

NORTH CAROLINA GENERAL ASSEMBLY
JOINT COMMITTEE ON REDISTRICTING

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Tuesday, February 16, 2016
Reported by Carol M. Smith

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<p>1 SEN. RUCHO: Let's come to order for a 2 few moments. Would everybody please take their 3 seats? We're going to have about a 10- or 15- 4 minute break to get some papers printed up and 5 ready to go as a part of our agenda, but what we 6 will do first is identify the Sergeant-at-Arms that 7 are here today. We've got -- for the House side, 8 we've got Reggie Sills, Marvin Lee, David Layden 9 and Terry McCraw, and then we've got our Senate 10 Sergeant-at-Arms Jim Hamilton, Ed Kesler and Hal 11 Roach. These folks help us make this meeting 12 organized and run efficiently, and we wouldn't be 13 able to do a good job without them.</p> <p>14 I appreciate everybody yesterday coming 15 out and helping us accomplish our public hearing. 16 We had a lot of good thoughts and advice, and I 17 hope that you've taken some time to read the public 18 comments that came over the Internet so that we can 19 be able to talk about the subject matter on an 20 intelligent level.</p> <p>21 Representative Lewis and I want to again 22 remark about the fact that the staff has done a 23 remarkable job for us in putting together 24 yesterday's public hearing and this meeting, and 25 the IT folks were miracle workers in trying to</p>	<p>1 SEN. MCKISSICK: Here. 2 CLERK: Senator Smith? 3 SEN. SMITH: Here. 4 CLERK: Senator Smith-Ingram? 5 SEN. SMITH-INGRAM: Present. 6 CLERK: Senator Wells? 7 SEN. WELLS: Here. 8 CLERK: Senator Blue? 9 SEN. BLUE: Here. 10 CLERK: Senator Ford? 11 (No response.) 12 CLERK: Senator Ford? 13 (No response.) 14 CLERK: Senator Wade? 15 (No response.) 16 CLERK: Senator Barefoot? 17 SEN. BAREFOOT: Here. 18 CLERK: Senator Randleman? 19 SEN. RANDLEMAN: Here. 20 CLERK: Senator Jackson? 21 SEN. JACKSON: Here. 22 CLERK: Representative Lewis? 23 REP. LEWIS: Here. 24 CLERK: Representative Jones? 25 REP. JONES: Here.</p>	
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<p>1 coordinate six sites plus Raleigh to do a good job 2 and allow us to be able to reach out across the 3 state with this public hearing that is -- that was 4 yesterday, and it was successful, and we're 5 thrilled that they could do such a good job for us.</p> <p>6 All right, the first point -- and I'm 7 going to have Mr. Verbiest, our clerk, do a roll 8 call, and would you just, as your name is 9 mentioned, please recognize it, or if we hear 10 quiet, we know you're not here.</p> <p>11 CLERK: Senator Sanderson? 12 SEN. SANDERSON: Present. 13 CLERK: Senator Brown? 14 SEN. BROWN: Here. 15 CLERK: Senator Apodaca? 16 (No response.) 17 CLERK: Senator Clark? 18 SEN. CLARK: Present. 19 CLERK: Senator Harrington? 20 SEN. HARRINGTON: Here. 21 CLERK: Senator Hise? 22 SEN. HISE: Here. 23 CLERK: Senator Lee? 24 SEN. LEE: Here. 25 CLERK: Senator McKissick?</p>	<p>1 CLERK: Representative Hager? 2 REP. HAGER: Here. 3 CLERK: Representative Stevens? 4 REP. STEVENS: Here. 5 CLERK: Representative Hurley? 6 REP. HURLEY: (No response.) 7 CLERK: Representative Stam? 8 REP. STAM: Here. 9 CLERK: Representative Jordan? 10 REP. JORDAN: Here. 11 CLERK: Representative Johnson? 12 REP. JOHNSON: Here. 13 CLERK: Representative Brawley? 14 REP. BRAWLEY: Present. 15 CLERK: Representative Hardister? 16 REP. HARDISTER: Here. 17 CLERK: Representative Davis? 18 REP. DAVIS: Here. 19 CLERK: Representative McGrady? 20 REP. MCGRADY: Here. 21 CLERK: Representative Michaux? 22 REP. MICHAUX: Here. 23 CLERK: Representative Cotham? 24 REP. COTHAM: Here. 25 CLERK: Representative Hanes?</p>	

1 REP. HANES: Here. 2 CLERK: Representative Moore? 3 REP. MOORE: Here. 4 CLERK: Representative Farmer- 5 Butterfield? 6 REP. FARMER-BUTTERFIELD: Here. 7 CLERK: Representative Dixon? 8 (No response.) 9 CLERK: Representative Hurley? 10 REP. HURLEY: Right here. 11 CLERK: Thank you. 12 SEN. RUCHO: And I think my name was 13 omitted, so I might just mention the fact that I'm 14 here today -- 15 CLERK: Yes. Sorry. 16 SEN. RUCHO: -- despite a long day 17 yesterday. All right. 18 We've got some work to do today. We've 19 got just about 15 minutes, and may I ask you to 20 just stay at ease for about 15 minutes, and then we 21 will begin the meeting and have a full agenda 22 before us. 23 Representative Lewis, do you have any 24 other thoughts or comments you'd like to share? 25 REP. LEWIS: No.	6	1 so under the circumstances, we are taking a 2 precaution, and we anticipate some reaction from 3 the Supreme Court on the motion for stay which will 4 allow the election to continue forward, and then 5 allow the court case to continue on its normal 6 course, which would be, in my judgment, a better 7 way to go, since the election has already been 8 started, and we don't want to disenfranchise the 9 voters in any manner. 10 That being said, we are going to begin 11 our agenda. Representative Lewis, would you have 12 any comments at this time? 13 REP. LEWIS: No, sir. 14 SEN. RUCHO: No? Okay. Then we're going 15 to go on to the second, which is discussion of the 16 criteria of the 2016 Contingent Congressional Maps, 17 and what these are, are criteria as to how these 18 maps should be drawn to try to meet the 19 requirements imposed by the Court and also remain 20 within the legal limits of the law. Representative 21 Lewis? 22 REP. LEWIS: Mr. Chairman, ladies and 23 gentlemen of the Joint Select Committee on 24 Congressional Redistricting and members of the 25 public, I too would like to offer a brief	8
1 SEN. RUCHO: Okay. Then just at ease for 2 about 10 to 15 minutes. Thank you. 3 (DISCUSSION OFF RECORD) 4 SEN. RUCHO: Spend a few minutes taking a 5 look at that, and see from its beginning on through 6 the latest maps what has transpired. I think it 7 would be very educational. Thank you. 8 (RECESS, 10:14 - 10:23 A.M.) 9 SEN. RUCHO: All right, let's call this 10 Joint Select Committee on Redistricting back into 11 order. You have a copy of the agenda before you, 12 and there's just one correction on the agenda. On 13 the right quadrant, under Senate, it had Harry 14 Warren. It should be Senator Harry Brown, so fix 15 that. Okay. 16 Well, yesterday we had a chance to have a 17 public hearing, and I think each of you knows that 18 the General Assembly, based on the Harris case, 19 there was an opinion given by the three-judge 20 panel, and we are responding to that. We still 21 believe that the maps that are presently enacted 22 are fair, legal, and constitutional, as has been 23 validated by five different bodies, including the 24 Justice Department, including a three-judge panel, 25 including the Supreme Court on three occasions, and	7	1 historical perspective on what brings us here 2 today. 3 In 2011, after the release of the Census, 4 this General Assembly set out to create fair and 5 legal Congressional districts. In doing so, the 6 2011 process included an unprecedented number of 7 public hearings, 36 scheduled before the release of 8 the maps, 7 after the release of our original 9 proposed districts, 10 dedicated to receiving 10 public comment on the release of the entire plan, 11 and an additional 10 after the release of our 12 respective proposals for the legislative districts. 13 Additionally, we provided easy public 14 access for public comment via the North Carolina 15 General Assembly Web site, and invited additional 16 written comments through both e-mail and the US 17 Postal Service. Senator Rucho and I thank the 18 thousands of citizens who exercised their right to 19 offer comments at that set of public hearings or 20 submit written comments. All of those comments 21 were reviewed by the chairs and preserved as a 22 permanent record of citizen input on this important 23 task. 24 We also took back then the unprecedented 25 step of providing the leadership of the minority	9

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1 parties in the House and the Senate and the 2 Legislative Black Caucus specialized computer 3 hardware and software in their respective offices, 4 along with staff support which was available to all 5 members. The 2011 General Assembly did ultimately 6 adopt redistricting plans, as I recall, largely 7 along party lines, as unfortunately, so many items 8 here are decided. 9 For purposes of my discussion today, I 10 will refer to the 2011 plans as the enacted plans. 11 The enacted congressional redistricting plan of 12 2011 was first precleared by the United States 13 Department of Justice, as was required by Section 5 14 of the Voting Rights Act. The enacted 15 Congressional redistricting plan was then 16 challenged in state courts through what is known as 17 the Dixon versus Rucho case. The plan was affirmed 18 by a three-judge panel and by the North Carolina 19 Supreme Court. 20 The enacted Congressional redistricting 21 plan has been used to elect members of the US House 22 of Representatives in 2012 and 2014, and has also 23 seen citizens file for election in each of the 13 24 districts this year. Further, voting has begun, 25 and we are informed by the State Board of Elections	1 70 speakers participating. There were also more 2 than 80 comments submitted online. 3 The chairs thank all the citizens who 4 participated yesterday. The chair reminds the 5 members that the written comments have been placed 6 on the General Assembly's Web site, and a link e- 7 mailed to each of your e-mail accounts. 8 Mr. Chairman, at your direction, I would 9 like to submit to the committee a series of 10 proposals to establish criteria for the drawing of 11 the 2016 contingent Congressional map. 12 SEN. RUCHO: Yes, sir, Chairman Lewis. 13 You can begin and go through the rotation as -- as 14 you planned. 15 REP. LEWIS: Mr. Chairman, I'd like staff 16 to distribute the 2016 Congressional -- pardon 17 me -- the 2016 contingent Congressional plan 18 proposed criteria, beginning with "Equal 19 Population," to the members. 20 SEN. RUCHO: Sergeant-at-Arms will be 21 passing this out, and we're going to take our time, 22 read it thoroughly, and then -- so Representative 23 Lewis will explain it, and then we'll debate each 24 of them as we move forward. (Pause.) 25 Has everyone received a copy of the first
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1	pretty self-explanatory. This is in line with one	1	CLERK: Representative Jordan?
2	person, one vote. It simply says, as members can	2	REP. JORDAN: Aye.
3	read, that the number of persons in each	3	CLERK: Representative McGrady?
4	Congressional district shall be as near equal as	4	REP. MCGRADY: Aye.
5	practicable, as determined under the most recent	5	CLERK: Representative Michaux?
6	Census, which of course would be the 2010 Census.	6	REP. MICHIAUX: No.
7	Mr. Chairman, I move adoption of this criteria.	7	CLERK: Representative Moore?
8	REP. STEVENS: Are you waiting for a	8	REP. MOORE: Aye.
9	second?	9	CLERK: Representative Stam?
10	SEN. RUCHO: I've got a motion from	10	REP. STAM: Aye.
11	Representative Lewis to move forward with this	11	CLERK: Representative Stevens?
12	adoption of this first equal -- equal population.	12	REP. STEVENS: Aye.
13	Representative Stevens, thank you. We've got a	13	CLERK: Representative Dixon?
14	second. Discussion, ladies and gentlemen?	14	(No response.)
15	(No response.)	15	SEN. RUCHO: You do have Senator Apodaca
16	SEN. RUCHO: All right, I see none. All	16	is here now?
17	in favor of the adoption of the equal population --	17	CLERK: Yes, I do.
18	yes. I'll go back. We're going to go ahead and	18	SEN. RUCHO: Okay.
19	we're going to do roll-call vote on this. And so	19	CLERK: Senator Apodaca?
20	I'm saying we're going to have a roll call from the	20	SEN. APODACA: Aye.
21	clerk on the equal population. Please identify --	21	CLERK: Senator Barefoot?
22	or just say "Aye" or "Nay," please. Mr. Verbiest?	22	SEN. BAREFOOT: Aye.
23	CLERK: Senator Rucho?	23	CLERK: Senator Blue?
24	SEN. RUCHO: Aye.	24	SEN. BLUE: Aye.
25	CLERK: Chairman Lewis?	25	CLERK: Senator Brown?
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1	REP. LEWIS: Aye.	1	SEN. BROWN: Aye.
2	CLERK: Representative Jones?	2	CLERK: Senator Clark?
3	REP. JONES: Aye.	3	SEN. CLARK: Aye.
4	CLERK: Representative Brawley?	4	CLERK: Senator Ford?
5	REP. BRAWLEY: Aye.	5	(No response.)
6	CLERK: Representative Cotham?	6	CLERK: Senator Harrington?
7	REP. COTHAM: Aye.	7	SEN. HARRINGTON: Aye.
8	CLERK: Representative Davis?	8	CLERK: Senator Hise?
9	REP. DAVIS: Aye.	9	SEN. HISE: Aye.
10	CLERK: Representative Farmer-	10	CLERK: Senator Jackson?
11	Butterfield?	11	SEN. JACKSON: Aye.
12	REP. FARMER-BUTTERFIELD: Aye.	12	CLERK: Senator Lee?
13	CLERK: Representative Hager?	13	SEN. LEE: Aye.
14	REP. HAGER: Aye.	14	CLERK: Senator McKissick?
15	SEN. RUCHO: Please speak up, please.	15	SEN. MCKISSICK: Aye.
16	CLERK: Representative Hanes?	16	CLERK: Senator Randleman?
17	REP. HANES: Aye.	17	SEN. RANDLEMAN: Aye.
18	CLERK: Representative Hardister?	18	CLERK: Senator Sanderson?
19	REP. HARDISTER: Aye.	19	SEN. SANDERSON: Aye.
20	CLERK: Representative Hurley?	20	CLERK: Senator Smith?
21	REP. HURLEY: Aye.	21	SEN. SMITH: Aye.
22	CLERK: Representative Jackson?	22	CLERK: Senator Smith-Ingram?
23	REP. JACKSON: Aye.	23	SEN. SMITH-INGRAM: Aye.
24	CLERK: Representative Johnson?	24	CLERK: Senator Wade?
25	REP. JOHNSON: Aye.	25	(No response.)

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>CLERK: Senator Wells?</p> <p>SEN. WELLS: Aye.</p> <p>CLERK: Only one nay.</p> <p>SEN. RUCHO: Okay. Ladies and gentlemen, we had the roll vote, and there was just one negative, so the first criteria establishing equal population has passed. All right. Representative Lewis?</p> <p>REP. LEWIS: Thank you, Mr. Chairman. Mr. Chairman, the next criteria I propose the committee adopt -- adopt is "Contiguity." This simply says that --</p> <p>REP. STEVENS: Mr. Chairman, we don't have copies of it yet.</p> <p>SEN. RUCHO: I'm sorry? Please repeat that again. You don't have the second?</p> <p>REP. STEVENS: I do not have a copy, and perhaps I'm sitting a little out of the way.</p> <p>SEN. RUCHO: Okay. Sergeant-at-Arms, would someone please get the contiguity criteria?</p> <p>REP. LEWIS: Mr. Chairman, if it pleases the Chair, I would respectfully request that -- the next criteria I intend to offer is "Political Data." If that could be distributed to the committee, perhaps to save a little time?</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p>SEN. RUCHO: Okay, that's fine. Sergeant-at-Arms, would you please distribute the third criteria, which is "Political Data"? Representative Lewis, would you want staff to read this, the specifics as they're presented, or do you prefer to do it yourself?</p> <p>REP. LEWIS: Mr. Chairman, are you trying to imply I can't say "contiguity"?</p> <p>(Laughter.)</p> <p>SEN. RUCHO: That is a mouthful. I agree with you. All right. We have before us -- would you please read this first -- or the second, "Contiguity"?</p> <p>MS. CHURCHILL: "Contiguity: Congressional districts shall be comprised of contiguous territory. Contiguity by water is sufficient."</p> <p>SEN. RUCHO: Representative Lewis?</p> <p>REP. LEWIS: Members, this is a standard redistricting practice, and I would move the adoption of the criteria by the committee.</p> <p>SEN. RUCHO: All right. Senator Blue?</p> <p>SEN. BLUE: Question of Representative Lewis: Does this contemplate single-point contiguity in water?</p>	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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1	REP. FARMER-BUTTERFIELD: Aye.	1	CLERK: Senator Sanderson?
2	CLERK: Representative Hager?	2	SEN. SANDERSON: Aye.
3	REP. HAGER: Aye.	3	CLERK: Senator Smith?
4	CLERK: Representative Hanes?	4	SEN. SMITH: Aye.
5	REP. HANES: Aye.	5	CLERK: Senator Smith-Ingram?
6	CLERK: Representative Hardister?	6	SEN. SMITH-INGRAM: Aye.
7	REP. HARDISTER: Aye.	7	CLERK: Senator Waddell?
8	CLERK: Representative Hurley?	8	(No response.)
9	REP. HURLEY: Aye.	9	CLERK: Senator Wade?
10	CLERK: Representative Jackson?	10	(No response.)
11	REP. JACKSON: Aye.	11	CLERK: Senator Wells?
12	CLERK: Representative Johnson?	12	SEN. WELLS: Aye.
13	REP. JOHNSON: Aye.	13	SEN. RUCHO: Any against?
14	CLERK: Representative Jordan?	14	CLERK: Unanimous.
15	REP. JORDAN: Aye.	15	SEN. RUCHO: All right, members of the
16	CLERK: Representative McGrady?	16	committee, the criterion on contiguity passed
17	REP. MCGRADY: Aye.	17	unanimously and was adopted unanimously. All
18	CLERK: Representative Michaux?	18	right.
19	REP. MICHAUX: Aye.	19	REP. LEWIS: Mr. Chairman, I'd like to --
20	CLERK: Representative Moore?	20	SEN. RUCHO: Mr. Lewis, you've got
21	REP. MOORE: Aye.	21	"Political Data" before you, and you would like the
22	CLERK: Representative Stam?	22	next criteria sent out to the members?
23	REP. STAM: Aye.	23	REP. LEWIS: Mr. Chairman, if we could,
24	CLERK: Representative Stevens?	24	let's do "Political Data," and then we'll move on
25	REP. STEVENS: Aye.	25	to the next one. Let's not distribute --
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1	CLERK: Senator Ruch?	1	SEN. RUCHO: All right. So you want to
2	SEN. RUCHO: Aye.	2	just take care of that. Would -- Ms. Churchill,
3	CLERK: Senator Apodaca?	3	would you read the one on political data, please?
4	SEN. APODACA: Aye.	4	MS. CHURCHILL: "Political Data: The
5	CLERK: Senator Barefoot?	5	only data other than population data to be used to
6	SEN. BAREFOOT: Aye.	6	construct Congressional districts shall be election
7	CLERK: Senator Blue?	7	results in statewide contests since 2008, not
8	SEN. BLUE: Aye.	8	including the last two Presidential contests. Data
9	CLERK: Senator Brown?	9	identifying the race of individuals or voters shall
10	SEN. BROWN: Aye.	10	not be used in the construction or consideration of
11	CLERK: Senator Clark?	11	districts in the 2016 contingent Congressional
12	SEN. CLARK: Aye.	12	plan. Voting districts, referred to as VTDs,
13	CLERK: Senator Harrington?	13	should be split only when necessary to comply with
14	SEN. HARRINGTON: Aye.	14	the zero deviation population requirements set
15	CLERK: Senator Hise?	15	forth above in order to ensure the integrity of
16	SEN. HISE: Aye.	16	political data."
17	CLERK: Senator Jackson?	17	SEN. RUCHO: All right. Representative
18	SEN. JACKSON: Aye.	18	Lewis, that is before the committee.
19	CLERK: Senator Lee?	19	REP. LEWIS: Mr. Chairman, I --
20	SEN. LEE: Aye.	20	SEN. RUCHO: Let him explain it, please.
21	CLERK: Senator McKissick?	21	REP. LEWIS: I believe it explains
22	SEN. MCKISSICK: Aye.	22	itself. I'll be happy to yield to --
23	CLERK: Senator Sandleman? Senator	23	SEN. RUCHO: All right. Question,
24	Randleman? I'm sorry.	24	Senator Blue?
25	SEN. RANDLEMAN: Aye.	25	SEN. BLUE: Yeah. This might be one for

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1 the staff, Mr. Chairman. 2 SEN. RUCHO: All right. Staff? 3 SEN. BLUE: The second -- the second full 4 paragraph, can you restrict -- and I think I know 5 where you're trying to go to, but can you restrict 6 the use of race in drawing the two districts in 7 question and be in conformity with the Voting 8 Rights Act as the Court enunciated in its decision 9 several weeks ago? 10 SEN. RUCHO: Representative Lewis, do you 11 want to respond to that? 12 REP. LEWIS: Mr. Chairman, thank you. 13 Senator Blue, I appreciate that inquiry. It is my 14 understanding and reading of the opinion that race 15 is not to be a factor in drawing the districts. 16 Adoption of this criteria would mean that the ISD 17 staff of the General Assembly would be instructed 18 to establish computers, and I believe the software 19 is called Maptitude, and the staff would be 20 instructed not to include race as a field that 21 could be used to draw districts. 22 I'll go one step further and say 23 respectfully that race was not considered when the 24 General Assembly passed the 12th District of the 25 enacted plan, but the Court still questioned its	1 what you're trying to do here, but I think it's an 2 insult to their intelligence to take this approach, 3 and I think that they will show you the ultimate 4 power of the federal judiciary that's existed since 5 1802 in <i>Marbury versus Madison</i> if you do this. 6 REP. LEWIS: Respectfully, sir, it would 7 never be my intent to offend or to question the 8 dignity of the office of a federal judge. If 9 anything I said hitherunto has done that, I 10 apologize; however, it is my understanding that 11 when we drew the enacted plan, we applied the 12 Cromartie and Strickland decisions as best we knew 13 how to do in drawing the 1st. We did not use race 14 when we drew the 12th. 15 The Court has found those both to be 16 racial gerrymanders. It would be my -- they also 17 found, based on my reading of the opinion -- I'm 18 certainly not spitting in their face; I'm trying to 19 read what they said -- that there's not racially 20 polarized voting. If that is indeed the case, then 21 race should not be a factor. 22 SEN. RUCHO: Smith-Ingram? 23 Representative Smith-Ingram? I'm sorry. Before I 24 do that, I -- Senator McKissick got me first. 25 Please, Senator McKissick.
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<p>1 called for, and still believe called for the -- if 2 a district is drawn under the Voting Rights Act to 3 be a majority-minority district, that it contain a 4 majority of minorities. The Court has found that 5 racially polarized voting does not exist to the 6 extent to do that.</p> <p>7 During the trial, which I know Senator 8 Blue attended -- I don't remember who-all else was 9 there -- there was various testimony offered from 10 the stand of how much minority population is 11 enough. The judges were well aware that that 12 conversation had gone on from the stand. They 13 offered no guidance into how much minority 14 population should be used; therefore, I simply say 15 we draw the maps without using minority -- without 16 using any race considerations. That way, they 17 cannot -- the federal court will be clear that in 18 the construction of districts that we did not use 19 racial consideration if it's not even a factor that 20 can be selected on the computer.</p> <p>21 SEN. MCKISSICK: Follow-up, Mr. Chair?</p> <p>22 SEN. RUCHO: Follow-up.</p> <p>23 SEN. MCKISSICK: So how would you propose 24 that you comply with the requirements, say, of the 25 Voting Rights Act, which basically indicates that</p>	<p>1 the trigger point to draw a VRA -- VRA district. 2 Therefore, if that is not the case, then we believe 3 the enacted maps should stand as they are. If 4 we're going to redraw the maps with the Harris 5 order, which says there's not racially polarized 6 voting, then we believe that race should not be a 7 consideration in drawing the maps.</p> <p>8 SEN. MCKISSICK: Follow-up, Mr. Chairman.</p> <p>9 SEN. RUCHO: Follow-up.</p> <p>10 SEN. MCKISSICK: Why would we not here 11 want to consider the election results of the 2008 12 and 2000 -- I guess '12 presidential elections? Is 13 there a specific reason why we want to exclude 14 those specific election results and include other 15 potential election results within that same general 16 time frame?</p> <p>17 REP. LEWIS: Yes, sir.</p> <p>18 SEN. MCKISSICK: Because, I mean, the 19 thing that's obvious to anybody is we had an 20 African-American running for President in those two 21 election cycles.</p> <p>22 REP. LEWIS: Yes, sir, and I don't recall 23 which pages it's on, but in the Harris opinion, one 24 of the judges wrote that using the 2008 25 Obama/McCain data was really a code for trying to</p>
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<p>1 we need to go in there and split these precincts. 2 I think splitting the precincts would probably be a 3 code word for understanding that you could 4 segregate voters out based upon race as well, so I 5 mean, I have no problems not -- not going in there 6 and splitting out these precincts, and I think 7 keeping the voter tabulation districts as whole as 8 possible is a good component, but I would be 9 opposed to the elimination of consideration of the 10 2008 and 2012 presidential data as well as other -- 11 any other racial data that would be provided in the 12 normal data packages that for many, many years have 13 always been used by this General Assembly in 14 drawing these Congressional districts. Thank you, 15 sir.</p> <p>16 REP. LEWIS: Mr. Chairman, respectfully, 17 I --</p> <p>18 SEN. RUCHO: Yes, sir?</p> <p>19 REP. LEWIS: -- believe that was a 20 statement, to which I'll just respond I 21 respectfully disagree with the gentleman from 22 Durham.</p> <p>23 SEN. RUCHO: All right. Thank you. 24 Senator Smith-Ingram?</p> <p>25 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p>	<p>1 SEN. SMITH-INGRAM: So I can assume from 2 what you are saying that the only reason we had 3 split counties and split precincts in the previous 4 plan is because we were trying to meet the mandate 5 of the zero deviation?</p> <p>6 REP. LEWIS: No, ma'am, that's not at all 7 what I said. What this says is that -- what this 8 says is in drawing the map, this contingent plan 9 that we are -- that we are talking about is that 10 the VTDs should be split only when necessary to 11 comply with the zero deviation requirements. I was 12 not at all speaking about the enacted map, in which 13 I'm certain that some precincts and voting 14 districts were split for political purposes.</p> <p>15 SEN. SMITH-INGRAM: Last follow-up, Mr. 16 Chair.</p> <p>17 SEN. RUCHO: Last follow-up.</p> <p>18 SEN. SMITH-INGRAM: Just a statement. I 19 understand that our voters across the state are 20 very sophisticated; however, there was a lot of 21 confusion created with the split counties and the 22 split precincts, and so I just -- as we're moving 23 forward, we need to be careful that they are not 24 disenfranchised by that confusion. Thank you, 25 Representative Lewis.</p>
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	<p>1 In regards to the proposed criteria as it relates 2 to the voting districts and the split, one of the 3 concerns that resonated across the state, as shown 4 in the hearings, and as we talked to constituents, 5 particularly in the finger counties in 6 Congressional District 1, there is some concern 7 about precincts being split, and a lot of voter 8 confusion because of split counties and split 9 precincts. Do you think the language in the last 10 sentence goes far enough to help us alleviate that 11 problem, and not have that issue as we move toward 12 drawing new maps?</p> <p>13 REP. LEWIS: Senator, I thank you for 14 that question. I would say that, as I've 15 maintained all along, I believe that voters are 16 sophisticated enough that split political districts 17 do not cause confusion, but to the extent that we 18 can not split them, we shouldn't, so I do think 19 this sentence goes far enough in saying the only 20 reason you would want to split a VTD, or a voting 21 district, is to help with the zero population 22 requirement that this committee has already 23 adopted.</p> <p>24 SEN. SMITH-INGRAM: Follow-up.</p> <p>25 SEN. RUCHO: Follow-up.</p>

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1 couldn't have been motivated by race. 2 REP. MICHAUX: May I follow up? 3 SEN. RUCHO: Follow-up, Representative 4 Michaux? 5 REP. MICHAUX: What did you say just now? 6 REP. LEWIS: Sir, I believe you read from 7 the opinion, which I don't have before me, that -- 8 in which the judges said being aware of race does 9 not necessarily mean that race was a predominant 10 factor, but it doesn't require it. And if that's 11 not what you read, understand that you have the 12 opinion in front of you, and I don't. 13 REP. MICHAUX: What they're saying is it 14 cannot be a predominant factor, Mr. Lewis, but you 15 can use race. 16 SEN. RUCHO: Representative Michaux, I 17 think what Senator -- Representative Lewis is 18 saying is you can use race, but it doesn't require 19 you to use race. 20 REP. MICHAUX: It says you can use race, 21 but it must not be the predominant factor. 22 REP. LEWIS: Mr. Chairman, I would say 23 "can use" does not say "must use." Therefore, I 24 would move the adoption of this criteria. 25 SEN. RUCHO: Representative Hager,	1 choice. 2 We know that this three-judge panel has 3 the power of its own to draw districts, and we can 4 play these games with them. I thought that as a 5 body from the standpoint of letting the 6 Legislature, the reason that we ordered -- or at 7 least required that the Court, if reversing these 8 districts, sent it back to the Legislature to have 9 an opportunity or a shot at fixing it is because it 10 was felt that the Legislature could fix it, but I 11 can assure you that if you go about doing this, 12 then those three gentlemen are going to draw 13 districts for you. 14 Maybe that's what you want, and if that's 15 what you want, I will vote with you on this 16 amendment, but I think that you -- that it's 17 transparent the game that you're trying to play. 18 Some of us do strongly believe that we should move 19 away from using race in making any decision in 20 American life, but we also believe that you comply 21 with the law until we get to that point, and I 22 think that you're aware of the fact, just as I am, 23 that if you take this blind approach, you're in 24 direct violation of Section 2 of the Voting Rights 25 Act. And so I'm just -- I just say that to you.	
1 please? 2 REP. HAGER: Thank you, Mr. Chairman. 3 Representative Lewis, I want to commend you on 4 the -- when you said only when necessary when you 5 split districts and precincts. I come from a 6 district and precinct prior to these maps. My 7 precinct was split, and we worked it out, like I 8 said, and I appreciate what you said about the 9 sophistication of the voters. It was there, but 10 this criteria does help that situation, and prior 11 to these maps, we see -- we saw that with the 12 previous maps in Rutherford County, so thank you 13 very much. 14 SEN. RUCHO: I'm sorry. I've got Senator 15 Blue. Excuse me. 16 SEN. BLUE: Just a comment, since the 17 motion to adopt it has been made. Mr. Chairman, I 18 agree totally with Representative Stam. As I told 19 Representative Lewis, there are places in this 20 state where considering race in redrawing districts 21 is inappropriate under the Voting Rights Act, under 22 the 14th Amendment. There are places in this state 23 where the Voting Rights Act requires that race be 24 considered to some degree to ensure that, based on 25 history, that minorities can elect people of their	39	41
1 I'm going to vote against this proposal. 2 You'll probably withdraw it, given the debate, but 3 I'm going to vote against it because I think that 4 it's showing disrespect for the law as it exists 5 and disrespect for this three-judge federal 6 district court. 7 REP. LEWIS: Well, Senator -- 8 SEN. RUCHO: Representative Lewis? 9 REP. LEWIS: Thank you, Mr. Chairman. 10 I'm going to reiterate my earlier comments to you, 11 sir, that in no way has anything that I have said 12 had the intent, and I hope not the effect, of 13 causing any offense to any member of the federal 14 judiciary. I would reiterate the only way to make 15 sure that race is not the predominant factor is to 16 make sure it's not a factor when the maps are being 17 considered. 18 This Court -- I'll go one step further. 19 With the utmost respect to the Court, this Court 20 was shown that race was not a factor that was 21 considered in drawing of the 12th, but they still 22 found that it was a factor. This is -- this way we 23 make sure that in fact, it is not. 24 SEN. RUCHO: Members of the committee? 25 Senator McKissick?		

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<p>1 SEN. MCKISSICK: Representative Lewis, 2 are you aware of any racially polarized voting 3 studies which have been conducted since the 2010 4 Census occurred? 5 REP. LEWIS: Senator McKissick, 6 respectfully, I would direct you to the 7 redistricting tab of the General Assembly Web site. 8 I believe there are some studies that are listed 9 there. Certainly there are numerous studies that 10 are referenced in the various lawsuits. I know the 11 General Assembly did commission a study on racially 12 polarized voting. I do not believe the Harris 13 court admitted or considered it. 14 SEN. MCKISSICK: Follow-up, Mr. Chair. 15 SEN. RUCHO: Follow-up. 16 SEN. MCKISSICK: Is it not possible to go 17 back and find that data, which is reasonably 18 current, since it was done since 2010, to examine 19 the racially polarized voting patterns throughout 20 the state, because different parts of the state are 21 different? Our urban areas have different 22 characteristics, and there's more coalition 23 politics. Other parts of our state, racially 24 polarized voting patterns are present, and continue 25 to exist.</p>	<p>1 REP. MCGRADY: Second. 2 SEN. RUCHO: Second, Representative 3 McGrady. Any additional discussion? 4 (No response.) 5 SEN. RUCHO: All right. Seeing none, we 6 can -- Mr. Clerk, would you begin the roll call? 7 CLERK: Lewis? 8 REP. LEWIS: Aye. 9 CLERK: Jones? 10 REP. JONES: Aye. 11 CLERK: Brawley? 12 REP. BRAWLEY: Aye. 13 CLERK: Cotham? 14 REP. COTHAM: No. 15 CLERK: Davis? 16 REP. DAVIS: Aye. 17 CLERK: Farmer-Butterfield? 18 REP. FARMER-BUTTERFIELD: No. 19 CLERK: Hager? 20 REP. HAGER: Aye. 21 CLERK: Hanes? 22 REP. HANES: No. 23 CLERK: Hardister? 24 REP. HARDISTER: Aye. 25 CLERK: Hurley?</p>	
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<p>1 I would suggest that we go back and look 2 at those studies, analyze them, and use those 3 studies as part of the database that would be used 4 to move forward in drawing these districts. Any 5 reason why we cannot do that? 6 REP. LEWIS: Respectfully, sir, I may -- 7 I may agree with you, but the Court does not. 8 SEN. MCKISSICK: And I'd have to 9 respectfully disagree on that. 10 REP. LEWIS: Noted. 11 SEN. RUCHO: Senator Clark? 12 SEN. CLARK: Thank you, Mr. Chairman. 13 With regard to the language on the voting districts 14 in here, would it not be more appropriate to 15 separate that and have it stand alone as its own 16 criteria? I don't understand the rationale for 17 including it in the criteria about political data. 18 REP. LEWIS: Senator, I appreciate that 19 question. Frankly, we could have had an additional 20 criteria. I prefer just to let it stay as it is. 21 SEN. RUCHO: Excuse me. Representative 22 Lewis, do you make the motion to adopt the 23 political data criteria? 24 REP. LEWIS: I do, Mr. Chairman. 25 SEN. RUCHO: All right.</p>	<p>1 REP. HURLEY: Aye. 2 CLERK: Jackson? 3 REP. JACKSON: No. 4 CLERK: Johnson? 5 REP. JOHNSON: Aye. 6 CLERK: Jordan? 7 REP. JORDAN: Aye. 8 CLERK: McGrady? 9 REP. MCGRADY: Aye. 10 CLERK: Michaux? 11 REP. MICHAUX: No. 12 CLERK: Moore? 13 REP. MOORE: No. 14 CLERK: Stam? 15 REP. STAM: Aye. 16 CLERK: Stevens? 17 REP. STEVENS: Aye. 18 CLERK: Rucho? 19 SEN. RUCHO: Aye. 20 CLERK: Apodaca? 21 SEN. APODACA: Aye. 22 CLERK: Barefoot? 23 SEN. BAREFOOT: Aye. 24 CLERK: Blue? 25 SEN. BLUE: No.</p>	

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1 CLERK: Brown? 2 SEN. BROWN: Aye. 3 CLERK: Clark? 4 SEN. CLARK: No. 5 CLERK: Harrington? 6 SEN. HARRINGTON: Aye. 7 CLERK: Hise? 8 SEN. HISE: Aye. 9 CLERK: Jackson? 10 SEN. JACKSON: Aye. 11 CLERK: Lee? 12 SEN. LEE: Aye. 13 CLERK: McKissick? 14 SEN. MCKISSICK: No. 15 CLERK: Randleman? 16 SEN. RANDLEMAN: Aye. 17 CLERK: Sanderson? 18 SEN. SANDERSON: Aye. 19 CLERK: Smith? 20 SEN. SMITH: No. 21 CLERK: Smith-Ingram? 22 SEN. SMITH-INGRAM: Nay. 23 CLERK: Wells? 24 SEN. WELLS: Aye. 25 SEN. RUCHO: What have we got?	1 drawing of the maps, I would propose that to the 2 extent possible, the map drawers create a map which 3 is perhaps likely to elect 10 Republicans and 3 4 Democrats. I acknowledge freely that this would be 5 a political gerrymander, which is not against the 6 law. 7 SEN. RUCHO: All right. Members of the 8 committee, any questions? Senator Blue? 9 SEN. BLUE: Just one, Mr. Chairman, and 10 this is a point of order since you've got my friend 11 the rules committee chairman up there. What are 12 the rules under which this committee is operating, 13 House or Senate? If it's the Senate -- and if it's the 14 Senate, aren't ayes and nays prohibited in 15 committee votes? 16 SEN. APODACA: The chairs agreed we'd 17 operate under the House rules, and I can tell you I 18 wasn't here for that, but they did. 19 (Laughter.) 20 SEN. RUCHO: All right. Senator Blue? 21 SEN. BLUE: One follow-up. 22 SEN. RUCHO: Let me have your attention. 23 SEN. BLUE: Since I'm not familiar with 24 the House rules anymore, there is a permitted	
1 CLERK: Nine nays. Nine nays. (Pause.) 2 There's 11. 11 out of 34. 3 SEN. RUCHO: 11 out of 34 nays. Okay. 4 The result of that is 23 ayes, 11 nos, and two were 5 not present. Okay. Representative Lewis? 6 REP. LEWIS: Mr. Chairman, I would ask -- 7 with your permission, I've asked the Sergeants-at- 8 Arms to distribute the criteria labeled "Partisan 9 Advantage." If you could direct the staff to read 10 that, I'd be happy to speak on it. 11 SEN. RUCHO: Ms. Churchill, would you 12 read the one on partisan advantage? 13 MS. CHURCHILL: "Partisan Advantage: The 14 partisan makeup of the Congressional delegation 15 under the enacted plan is 10 Republicans and 3 16 Democrats. The committee shall make reasonable 17 efforts to construct districts in the 2016 18 contingent Congressional plan to maintain the 19 current partisan makeup of North Carolina's 20 Congressional delegation." 21 SEN. RUCHO: Representative Lewis, 22 explain. 23 REP. LEWIS: Mr. Chairman, the 24 explanation of this is reasonably simple. As we 25 are allowed to consider political data in the	47	49
1 abstention in the ayes and nos under the House 2 rules; is there not? 3 SEN. APODACA: Mr. Chairman? 4 SEN. RUCHO: Representative Stam, if you 5 can respond to that question? 6 REP. STAM: I could. There is no such 7 rule under House rules now or when Senator Blue was 8 the Speaker of the House. 9 SEN. RUCHO: Senator Blue, did you get 10 your answer? 11 SEN. BLUE: I got an answer. 12 (Laughter.) 13 SEN. RUCHO: Good. Thank you. Okay. 14 Members of the committee, let's pay close attention 15 to this. Senator McKissick? 16 SEN. MCKISSICK: In looking at this 17 particular criteria, I mean, certainly partisan 18 advantage is a legitimate consideration, but I 19 don't know why, based upon the number of Democratic 20 registered voters, Republican registered voters and 21 unaffiliated voters in this state we would want to 22 ever sit and ingrain as a criteria for 23 redistricting that we would only allow one party 3 24 seats in Congress, and the other one, 10 in 25 Congress, when not very long ago, before 2010, we		

50 <p>1 had 7 Democrats and 5 Republicans, so I'm trying to 2 understand why you feel this would be fair, 3 reasonable, and balanced in terms of voter 4 registrations in this state as it is currently 5 divided.</p> <p>6 REP. LEWIS: Thank you for your question, 7 Senator. I propose that we draw the maps to give a 8 partisan advantage to 10 Republicans and 3 9 Democrats because I do not believe it's possible to 10 draw a map with 11 Republicans and 2 Democrats.</p> <p>11 (Laughter.)</p> <p>12 SEN. MCKISSICK: Follow-up, if I could.</p> <p>13 SEN. RUCHO: Follow-up.</p> <p>14 SEN. MCKISSICK: Were you aware of the 15 fact that in the 2012 election cycle, if you total 16 the total number of votes received by Democrats 17 running for Congress versus the total number of 18 votes cast for Republicans running for Congress, 19 that Democratic candidates had a higher number of 20 total votes, but ended up with fewer seats? Were 21 you aware of that factor in drawing up this 22 criteria?</p> <p>23 REP. LEWIS: I am aware, Senator -- first 24 of all, thank you for your question. I am aware 25 that there are numerous examples, especially</p>	52 <p>1 Come up with something different. It 2 could be 5 Democratic seats, and there's no reason 3 why that couldn't be accomplished. It could be 6 4 Democratic seats and still give the Republicans an 5 edge, but to say you're going to marginalize with 6 only 3 seats as a criteria, let the voters decide.</p> <p>7 REP. LEWIS: Well, sir, I definitely -- I 8 thank you for that comment. Certainly we look 9 forward to receiving -- what I'm asking this 10 committee to adopt is the maps that this -- that 11 the chairs will present to this committee absent a 12 stay arriving from the Court. Certainly the 13 members of this committee that don't feel this 14 balance is appropriate can certainly offer their 15 own maps for consideration.</p> <p>16 SEN. RUCHO: Representative Lewis, in the 17 case Senator McKissick brought forth, if you see 18 some districts that tend to have a larger voter 19 turnout than others, that could easily explain what 20 Senator McKissick described. Am I not correct?</p> <p>21 REP. LEWIS: Yes, sir. I think that's a 22 constant variable in this. If you have an area 23 that has a lot of contested races, those areas tend 24 to produce more folks to the polls. If you have -- 25 you know, we don't want to get into the Electoral</p>
51 <p>1 through the 2000s, when the majority of seats went 2 to a party that had the fewer votes. We elect our 3 representatives based on a system of drawing 4 districts and the people in those districts being 5 able to vote. We do not elect at large. I know 6 you're very much aware of that, and we will -- this 7 will maintain that system.</p> <p>8 SEN. MCKISSICK: Last follow-up, Mr. 9 Chairman.</p> <p>10 SEN. RUCHO: Follow-up. Last follow-up.</p> <p>11 SEN. MCKISSICK: I would simply say this: 12 If we were looking at a fair and reasonable 13 division as a criteria moving forward, it wouldn't 14 necessarily have to be an even division. It 15 could -- obviously, since majority -- Republicans 16 are a majority now, give Republicans a slight edge, 17 but to come up with such an imbalance in a split I 18 think is highly inappropriate. It's unfair. It 19 does not recognize the way votes have been cast in 20 this state as recently as 2012. It doesn't 21 recognize the division of registered voters in this 22 state between Democrats, Republicans, and 23 Independents, and it's really a matter of political 24 gerrymandering in the worst sense in which we can 25 do so.</p>	53 <p>1 College, but I can remember this debate's been 2 going on since 2000 because of the use -- you know, 3 there are times -- do you maximize or, for lack of 4 a more polite term, do you pump up or boost up 5 votes in certain areas to try and create the larger 6 cumulative total, or do you file, run, and win in 7 the districts in which you live? Our system has 8 historically been the latter.</p> <p>9 SEN. RUCHO: I have a follow-up there. 10 Senator McKissick, go ahead.</p> <p>11 SEN. MCKISSICK: Yeah. Simply this: I 12 think what voters want are more competitive 13 districts, more competitive districts where they 14 have a clear choice between a Democrat, a 15 Republican, and perhaps an unaffiliated candidate 16 that's running, but not ones that are gerrymandered 17 to give one party or the other just a clear 18 partisan advantage. More competitive districts, I 19 support completely, but that means drawing the maps 20 in a way where you're not from the outset 21 establishing criteria that gives one party an 22 unfair advantage.</p> <p>23 SEN. RUCHO: Representative Lewis?</p> <p>24 REP. LEWIS: Mr. Chairman, the only thing 25 that I could add is that we want to make clear that</p>

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1 we to the extent are going to use political data in 2 drawing this map, it is to gain partisan advantage 3 on the map. I want that criteria to be clearly 4 stated and understood. I have the utmost respect 5 for those that do not agree with this particular 6 balance. 7 I will say -- and the gentleman from 8 Durham did not say this, but I will say that during 9 the public comment yesterday, more than one speaker 10 referred to, "Can't we just draw them where there's 11 5 this way or 6 that way?" That is partisan 12 gerrymandering if you're drawing 5 and 7 or 6 13 and -- whatever it is. I'm making clear that our 14 intent is to use -- is to use the political data we 15 have to our partisan advantage. 16 SEN. RUCHO: Representative Michaux? 17 REP. MICHAUX: Yeah. Mr. Chairman, you 18 know if we were where you are today and we came up 19 with this idea, you-all would be jumping all over 20 the place, trying to dissuade us from that. First 21 you want to -- you really want to dissuade race 22 from being put in here. Now you want to make sure 23 that you keep your 10 to 3 advantage, the same 24 situation that got you in trouble before, and now 25 you're going to -- what you're telling us is, "We	1 For example, near a military base, they have much 2 fewer voters than the population -- in other words, 3 it's a bogus statistic, so I don't use it anymore. 4 SEN. RUCHO: Thank you. I've got 5 Representative Hager. 6 REP. HAGER: Thank you, Mr. Chairman. 7 You know I haven't been here long, but I guess in 8 the House, I've become one of the more senior 9 members with my colleagues that came in in 2011, 10 but, you know, I got to thinking -- and I have the 11 utmost respect for Senator McKissick and 12 Representative Michaux, but, you know, if I beat my 13 dog every day for 4 or 5 years and then I quit 14 doing it and I told David to quit beating his dog, 15 you'd consider me a little bit hypocritical, 16 wouldn't you, David? 17 If you look at that map on the wall and 18 look at the 1992 map and look at District 10 and 19 District 1, District 10 is my district now. Look 20 at where we've come with District 10 since then. I 21 mean, it's just -- it's amazing to me that we can 22 argue that we shouldn't -- that the folks that have 23 been here for a long time can argue that we 24 shouldn't gerrymander these on political reasons, 25 and they're some of the same people that developed
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1 want you to do this, and you vote for it, and this 2 is the way it's going to be," period, end of 3 report. 4 SEN. RUCHO: Okay. There was no 5 question, I don't think, so -- unless you want to 6 respond to his comment. 7 REP. LEWIS: No. 8 SEN. RUCHO: Okay. I've got 9 Representative Stam first. 10 REP. STAM: Yes. I'd like to share a 11 statistic that I haven't used in about 10 years, 12 but I'll tell you why. During the last 13 redistricting by the other party in 2004, I did 14 jump up and down because I saw what was coming. In 15 the election of 2004 for the House -- write these 16 statistics down -- 52 percent of the voters chose 17 the Republican candidate, 44 percent, the 18 Democratic candidate, and 4 percent, Libertarian. 19 Well, that should be a landslide for Republicans, 20 but it ended up that we were in the minority, 57 to 21 63. 22 The reason I stopped using those type of 23 statistics is I realized that it can be totally 24 skewed by whoever happens to not have a candidate 25 opposing that person. That shows a huge advantage.	1 that map of District 1 and District 10 in 1992. 2 SEN. RUCHO: Thank you. Any additional 3 questions? Senator Smith-Ingram? 4 SEN. SMITH-INGRAM: Thank you, Mr. Chair. 5 Can you be specific as to what constitutes partisan 6 advantage? Do we have to tie it to a number? 7 REP. LEWIS: No, ma'am, but I will -- 8 first of all, thank you for the question. To 9 perhaps expound on it a bit, this would -- this 10 would contemplate looking at the political data, 11 which was an earlier criteria adopted by this 12 committee, and as you draw the lines, if you're 13 trying to give a partisan advantage, you would want 14 to draw the lines so that more of the whole VTDs 15 voted for the Republican on the ballot than they 16 did the Democrat, if that answers your question. 17 SEN. SMITH-INGRAM: I think that -- 18 SEN. RUCHO: Follow-up? 19 SEN. SMITH-INGRAM: Thank you. Follow- 20 up. It answers about 50 percent of my question. 21 If I could ask you another one, maybe a different 22 way? You threw out some numbers. Would there not 23 be partisan advantage with 8/5? 24 REP. LEWIS: Thank you for that question, 25 Senator. I would point out that indeed, you could

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<p>1 use political numbers to draw a partisan -- to draw 2 districts in which 8 Republicans would win or 5 3 Democrats. I'm saying to the extent that you can, 4 make it 10/3.</p> <p>5 SEN. SMITH-INGRAM: Last follow-up. 6 SEN. RUCHO: Last follow-up. 7 SEN. SMITH-INGRAM: Just a statement. I 8 am concerned that we are trying to mimic the 9 outcome of the previous election that never existed 10 for a very long time in North Carolina until this 11 district was redrawn in 2011. The challenge here 12 is we are balancing where we are with where we have 13 been historically, but at the end of the day, we 14 are elected to come together, to work together, to 15 serve the constituents and citizens of North 16 Carolina. This is one of the concerns resonated 17 yesterday, and many of us have it here. We are 18 drawing these lines so that we get to pick our 19 voters as opposed to them choosing us. It is 20 unfair. It should not be perpetuated in this 21 process, and I will not be supporting it.</p> <p>22 SEN. RUCHO: Thank you. Representative 23 Jones?</p> <p>24 REP. JONES: Thank you, Mr. Chair. I 25 appreciate it. I want to say how much I have</p>	<p>1 hearing them come from today. We never heard those 2 comments for decades and decades and decades in 3 North Carolina, whether it was the media, whether 4 it was the majority party, whomever, and so I guess 5 the process is what it is.</p> <p>6 I'm glad that we have had some court 7 decisions that have led to what I think is a lot 8 less gerrymandering than what we had in prior 9 decades, where we -- now we do have single-member 10 districts. Now we do have where we don't just 11 split counties in any possible way, and we have the 12 pod system and things like that, so I really take 13 offense when I hear those that say that somehow the 14 political gerrymandering of today is greater than 15 somehow it was in prior years, when anybody that 16 goes back and studies the history knows that that's 17 simply not the case.</p> <p>18 That's my comment, and I will ask I guess 19 a question for you, Representative Lewis. Is it 20 possible that people might choose to vote for a 21 candidate that is of a different political party 22 than what their political affiliation is?</p> <p>23 REP. LEWIS: Well, thank you for that 24 question, Representative Jones. Of course it is. 25 I mean, we all offer ourselves, and the voters in</p>
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	<p>1 enjoyed this discussion about -- about 2 gerrymandering. You know, that's a word that seems 3 to me, as someone who has lived in North Carolina 4 for all my life and has really kind of studied the 5 political process particularly over the last few 6 decades, a word that was never really used until 7 somehow the Republicans came to a majority in 2010.</p> <p>8 Just as we're taking this little trip 9 down memory lane for just a moment, I -- I remember 10 things like multi-member districts in North 11 Carolina when we were drawing the legislature. I 12 thought what an extreme opportunity that was to 13 gerrymander.</p> <p>14 I saw it happen in my own area where, you 15 know, we couldn't do single-member districts. We 16 couldn't even do double-member districts. 17 Sometimes it had to be three- or four-member 18 districts in order for the political party in 19 charge at the time, which was the Democratic Party, 20 to gain a political advantage, so Representative 21 Lewis, I appreciate your honesty as you come 22 forward today, and we -- and we explain that 23 political gerrymandering I guess is what it is, but 24 I just find it very interesting to hear some of the 25 comments coming from some of the avenues that we're</p> <p>1 our districts decide that we best represent what we 2 believe the direction of the government should be 3 and that's how they cast their votes, so certainly 4 a person is free to vote ever how they choose to 5 vote.</p> <p>6 REP. JONES: Well, that's what I think, 7 and I think regardless how you draw these 8 districts -- you know, I come from an area where I 9 can remember a time where voting for the Democratic 10 party was extremely -- extremely high, and that 11 time has changed, and those votes have changed. A 12 lot of people that I can tell don't necessarily 13 vote for the same party that they're registered, 14 and so I -- you know, I think we ought to respect 15 the voters as individuals, and whether they're 16 registered Democrat, Republican, Libertarian, 17 unaffiliated, whatever, recognize that they do have 18 an opportunity to vote for any candidate that is on 19 the ballot before them. I appreciate your answer, 20 and I appreciate your honesty and integrity and 21 going forward with the process.</p> <p>22 SEN. RUCHO: Thank you, Representative 23 Jones. Senator Clark?</p> <p>24 SEN. CLARK: Thank you, Mr. Chairman. 25 I'm having difficulty understanding why I should</p>

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1	agree to vote for maps to bake in partisan 2 advantage that was achieved through the use of 3 unconstitutional maps. Could you explain that to 4 me?	1	competitive. I pointed out before that in the race 2 for attorney general that Attorney General Cooper 3 won nearly all of these. We can go back through 4 this 2011 debate if we'd like to, but I would again 5 maintain that you've got to put forward a good 6 candidate that appeals to the majority of folks, 7 and that the majority of folks in these districts 8 in the enacted plan are not registered Republicans. 9 In fact, to the best of my knowledge, in all but 10 perhaps one, we are the minority in all of the 11 districts.
5	REP. LEWIS: Well, to be clear, sir, 6 we -- we are proposing that the maps that are drawn 7 now under this criteria which we have passed a 8 plank of, and continue to move forward, one of the 9 goals in drawing the map will be to preserve the 10 10/3. With all due respect, I've listened to this, 11 and we can of course continue to discuss this as 12 long as the committee wants to. It's always sort 13 of amazed me that if the map elects one side, the 14 other side considers -- considers it a gerrymander, 15 and something bad. If it elects their side, they 16 consider it a work of art, and good government, so 17 this is saying that one of the goals will be to 18 elect -- to speak directly to your point, the goal 19 is to elect 10 Republicans and 3 Democrats.	12	SEN. RUCHO: Thank you. Okay, 13 Representative Jackson?
20	SEN. RUCHO: Thank you. Representative 21 Lewis, there was a comment earlier about the 22 districts, the 13 districts that exist, 10 23 presently Republican, and 3 Democrat, and under the 24 circumstances, could you explain a little bit about 25 the makeup of the Republican districts and who	14	REP. JACKSON: Thank you, Mr. Chairman. 15 Senator Clark took one of my points that I was 16 going to make, but part of my uneasiness with this 17 is that it refers to the current Congressional 18 plan. I think you could make reference just saying 19 that you want to do it to a partisan advantage and 20 maximize Republican members, and I could agree with 21 that, I guess, but you have that opportunity.
22		22	I would point out that your maps 23 originally had a 9/4 split, and that any reference 24 to 10/3 is not what your maps were; your maps were 25 a 9/4 split. What you've done is taken out the
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1	they're composed of, and what is necessary for that 2 Republican to win an election?	1	2012 election, but that's not my question.
3	REP. LEWIS: Thank you for the question, 4 Mr. Chairman. First of all, it would be necessary 5 to go back and review the stat packs and whatnot 6 from the 2011 districts, which are online if 7 anybody would like to do that, but to the best of 8 my knowledge, Republicans hold no majority as far 9 as voter registration in any of those districts.	2	My question is, are we going to rank
10	10 It's also -- well, and it is firmly my 11 belief that it's the responsibility of each of the 12 political parties to nominate quality candidates 13 who can appeal to the entire political spectrum. 14 It was pointed out yesterday during the public 15 hearing that the unaffiliated ranks in our state 16 continue to grow. If you don't get them -- if you 17 don't get a large percentage of the unaffiliated 18 vote in most of our districts, you're not going to 19 win, and so I would say that you are required to 20 have a good-quality candidate that appeals to the 21 political expectations of the majority of the folks 22 in that district.	3	these criteria in any order, because you've used 4 words in this criteria like "reasonable efforts." 5 Well, if -- are the -- how will the mapmakers know 6 what a reasonable effort is? In trying to come up 7 with 10 Republican districts, will they be able to 8 make a reasonable effort that means they can now 9 consider race? Will they be able to make a 10 reasonable effort that means that now they can 11 consider the 2008, 2012 elections? Will they be 12 able to split precincts as part of making a 13 reasonable effort to make a 10/3 split?
11	11	14	REP. LEWIS: Representative Jackson, 12 thank you for that series of questions. The answer 13 to your question, the first part was -- I'm sorry. 14 Mr. Chairman, I'm sorry.
12	12	15	SEN. RUCHO: Go ahead, please.
13	13	16	REP. JACKSON: Will there be any type of 14 ranking of these criteria anywhere?
14	14	17	REP. LEWIS: No. No is the answer.
15	15	18	That's why these criteria are being presented 16 individually and discussed and debated 17 individually. Map -- drawing maps is largely a 18 balancing act. We are trying to specify certain
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1 things that you cannot use. You asked about race. 2 You cannot use that, and I apologize; I don't 3 remember what else you asked about, Representative 4 Jackson. 5 REP. JACKSON: Follow-up, Mr. Chairman? 6 SEN. RUCHO: Follow-up. 7 REP. JACKSON: Okay. So it would be your 8 contention, then, that making reasonable efforts 9 would not include violating any of the other 10 criteria that we have passed? 11 REP. LEWIS: Absolutely. Mr. Chairman? 12 SEN. RUCHO: Yes? 13 REP. LEWIS: If there aren't further 14 questions, I move adoption of the 2016 contingent 15 Congressional plan proposed criteria labeled 16 "Partisan Advantage." 17 SEN. RUCHO: All right. 18 REP. JONES: Second. 19 SEN. RUCHO: Representative Jones has 20 seconded. All right, members of the committee, 21 there has been considerable discussion, and if 22 there's any additional thoughts, this is your 23 opportunity. 24 (No response.) 25 SEN. RUCHO: Seeing none, Mr. Clerk,	1 CLERK: Jordan? 2 REP. JORDAN: Aye. 3 CLERK: McGrady? 4 REP. MCGRADY: Aye. 5 CLERK: Michaux? 6 REP. MICHAUX: No. 7 CLERK: Moore? 8 REP. MOORE: No. 9 CLERK: Stam? 10 REP. STAM: Aye. 11 CLERK: Stevens? 12 REP. STEVENS: Aye. 13 CLERK: Ruchos? 14 SEN. RUCHO: Aye. 15 CLERK: Apodaca? 16 SEN. APODACA: Aye. 17 CLERK: Barefoot? 18 SEN. BAREFOOT: Aye. 19 CLERK: Blue? 20 SEN. BLUE: No. 21 CLERK: Brown? 22 SEN. BROWN: Aye. 23 CLERK: Clark? 24 SEN. CLARK: No. 25 CLERK: Harrington?	
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1 please go through the roll. 2 CLERK: Lewis? 3 REP. LEWIS: Aye. 4 CLERK: Jones? 5 REP. JONES: Aye. 6 CLERK: Brawley? 7 REP. BRAWLEY: Aye. 8 CLERK: Cotham? 9 REP. COTHAM: No. 10 CLERK: Davis? 11 REP. DAVIS: Aye. 12 CLERK: Farmer-Butterfield? 13 REP. FARMER-BUTTERFIELD: No. 14 CLERK: Hager? 15 REP. HAGER: Aye. 16 CLERK: Hanes? 17 REP. HANES: No. 18 CLERK: Hardister? 19 REP. HARDISTER: Aye. 20 CLERK: Hurley? 21 REP. HURLEY: Aye. 22 CLERK: Jackson? 23 REP. JACKSON: No. 24 CLERK: Johnson? 25 REP. JOHNSON: Aye.	1 SEN. HARRINGTON: Aye. 2 CLERK: Hise? 3 SEN. HISE: Aye. 4 CLERK: Jackson? 5 SEN. JACKSON: Aye. 6 CLERK: Lee? 7 SEN. LEE: Aye. 8 CLERK: McKissick? 9 SEN. MCKISSICK: No. 10 CLERK: Randleman? 11 SEN. RANDLEMAN: Aye. 12 CLERK: Sanderson? 13 SEN. SANDERSON: Aye. 14 CLERK: Smith? 15 SEN. SMITH: No. 16 CLERK: Smith-Ingram? 17 SEN. SMITH-INGRAM: No. 18 CLERK: Wells? 19 SEN. WELLS: Aye. 20 CLERK: 23-11. 21 REP. RUCHO: All right, members of the 22 committee, roll call on the "Partisan Advantage" 23 criteria was ayes, 23, nos, 11. 24 We'll be going on to the next one, and 25 that is -- okay, got it. This is the 12th	

1 District. Would you, Ms. Churchill, read out -- 2 read this criteria, please? 3 MS. CHURCHILL: "12th District: The 4 current General Assembly inherited the 5 configuration of the 12th District from past 6 General Assemblies. This configuration was 7 retained because of the -- because the district had 8 already been heavily litigated over the past two 9 decades, and ultimately approved by the courts. 10 The Harris court has criticized the shape of the 11 12th District, citing its serpentine nature. In 12 light of this, the committee shall construct 13 districts in the 2015 contingent Congressional plan 14 that eliminate the current configuration of the 15 12th District." 16 SEN. RUCHO: And, Representative Lewis, 17 would you explain the criteria under the "12th 18 District" heading? 19 REP. LEWIS: Thank you, Mr. Chairman. 20 This largely goes -- I'll try to use my friend from 21 Wake, Representative Jackson's, words. As these 22 criteria stand on their own and have to be 23 considered together, what this is saying is that 24 the mapmakers will make an effort to draw the 12th 25 Congressional District in a shape that the judges	70	1 good idea. 2 SEN. RUCHO: Members of the -- oh, I'm 3 sorry. Go ahead, Chairman Lewis. 4 REP. LEWIS: Mr. Chairman, I just -- I 5 just wanted to thank Senator Blue for his words. 6 I'm glad that after two decades of drawing maps, 7 we've found something we can agree on. 8 SEN. RUCHO: All right, members of the 9 committee. Senator McKissick? 10 SEN. MCKISSICK: While I appreciate the 11 fact that the 12th District has an unusual shaped 12 appearance, I'm also aware of the fact that it's 13 gone up before the Supreme Court previously, and 14 when I think of the fact that one of the things we 15 have to consider is communities of interest, and 16 communities of interest is certainly something 17 that's a very valid consideration in drawing 18 Congressional districts, and I've heard it stated 19 on numerous occasions that communities of interest 20 test here is met and satisfied with the shape being 21 what it is today. 22 Now, while it may appear a bit 23 serpentine, a little bit unusual, I think it's 24 possible to reconfigure the district, perhaps to 25 make it somewhat more compact, but it links	72
1 would not consider serpentine. 2 SEN. RUCHO: Does that conclude your 3 explanation? 4 REP. LEWIS: Yes, sir. 5 SEN. RUCHO: Okay. Members of the 6 committee. 7 SEN. BLUE: Mr. Chairman? 8 SEN. RUCHO: Senator Blue? 9 SEN. BLUE: I want to commend 10 Representative Lewis. I agree that the 12th 11 District ought to be contiguous, it ought to be 12 compact, as all of the other districts in the 13 state, and I think a good starting point for 14 drawing constitutional maps would be to start with 15 the 12th District and make it compact, and let it 16 impact the other districts. 17 I think differently about the 1st, 18 because I think that the law requires it. I have 19 no particular love for the shape of any of these 20 strange districts, but if you're serious about 21 creating a district that's compact, that's 22 contiguous, and that covers as few counties as 23 possible by not unreasonably splitting county 24 lines, by not splitting county lines except where 25 necessary to comply with population, I think it's a	71	1 together significant cores of the urban parts of 2 our state along the main street of the state, which 3 is now Interstate 85. Interstate 85 is the main 4 corridor. 5 Those urban areas are linked from 6 Charlotte going through Greensboro and back up into 7 the Piedmont area of our state, so I would not want 8 to abandon it. I'd want to perhaps reconfigure it, 9 but keeping in mind the communities of interest 10 that it ties together, major urban cores with 11 populations that have similar interests and 12 concerns, along with major banking centers. 13 One of the -- I've heard before that that 14 particular district had more banking headquarters 15 than any Congressional district in our country, and 16 I rely upon that based upon the sources of that 17 data, so I would not abandon it; I would simply try 18 to reconfigure it, perhaps make it more compact, 19 but to respect the communities of interest that it 20 does unify. 21 SEN. RUCHO: Thank you. Any additional 22 questions? Well, let me first say, Representative 23 Lewis, do you want to make a comment to that? 24 REP. LEWIS: (Shakes head.) 25 SEN. RUCHO: Representative Hanes?	73

1 REP. HANES: Thank you, Mr. Chairman. I 2 think both the senators have -- have excellent 3 points. I agree especially with Senator Blue and 4 his statements with regard to what we need to be 5 looking at as a whole as we consider what these 6 districts look like. Certainly when it comes to 7 Democrats -- and I know we're trying to avoid the 8 word "race" here, but when it comes to folks who 9 look like me, we want our voices heard everywhere, 10 and so in that regard, part of the way we do that 11 is to put our communities together within our 12 counties. I think while we certainly don't have to 13 abandon what the 12th is right now, certainly we 14 need to be looking at very strongly doing what 15 Senator Blue suggests, and so I will be supporting 16 it. Thank you. 17 SEN. RUCHO: Thank you. Members of the 18 committee, any additional questions or comments? 19 (No response.) 20 SEN. RUCHO: Representative Lewis, do you 21 have a motion? 22 REP. LEWIS: Mr. Chairman, I move that 23 the 2016 contingent Congressional plan proposed 24 criteria labeled "12th District" be adopted. 25 SEN. APODACA: Second.	74	1 CLERK: Hurley? 2 REP. HURLEY: Aye. 3 CLERK: Jackson? 4 REP. JACKSON: Yes. 5 CLERK: Johnson? 6 REP. JOHNSON: Aye. 7 CLERK: Jordan? 8 REP. JORDAN: Aye. 9 CLERK: McGrady? 10 REP. MCGRADY: Aye. 11 CLERK: Michaux? 12 REP. MICHAUX: Aye. 13 CLERK: Moore? 14 REP. MOORE: Aye. 15 CLERK: Stam? 16 REP. STAM: Aye. 17 CLERK: Stevens? 18 REP. STEVENS: Aye. 19 CLERK: Rucho? 20 SEN. RUCHO: Aye. 21 CLERK: Apodaca? 22 SEN. APODACA: Aye. 23 CLERK: Barefoot? 24 SEN. BAREFOOT: Aye. 25 CLERK: Blue?	76
1 SEN. RUCHO: Second by Senator Apodaca. 2 Members of the committee, you have this motion 3 before you. Any questions or comments prior to a 4 roll call vote? 5 (No response.) 6 SEN. RUCHO: Seeing none, Mr. Clerk, 7 would you go through the roll call, please? 8 CLERK: Lewis? 9 REP. LEWIS: Aye. 10 CLERK: Jones? 11 REP. JONES: Aye. 12 CLERK: Brawley? 13 REP. BRAWLEY: Aye. 14 CLERK: Cotham? 15 REP. COTHAM: Yes. 16 CLERK: Davis? 17 REP. DAVIS: Aye. 18 CLERK: Farmer-Butterfield? 19 REP. FARMER-BUTTERFIELD: Yes. 20 CLERK: Hager? 21 REP. HAGER: Aye. 22 CLERK: Hanes? 23 REP. HANES: Yes. 24 CLERK: Hardister? 25 REP. HARDISTER: Aye.	75	1 SEN. BLUE: Aye. 2 CLERK: Brown? 3 SEN. BROWN: Aye. 4 CLERK: Clark? 5 SEN. CLARK: Aye. 6 CLERK: Harrington? 7 SEN. HARRINGTON: Aye. 8 CLERK: Hise? 9 SEN. HISE: Aye. 10 CLERK: Jackson? 11 SEN. JACKSON: Aye. 12 CLERK: Lee? 13 SEN. LEE: Aye. 14 CLERK: McKissick? 15 SEN. MCKISSICK: No. 16 CLERK: Randleman? 17 SEN. RANDLEMAN: Aye. 18 CLERK: Sanderson? 19 SEN. SANDERSON: Aye. 20 CLERK: Smith? 21 SEN. SMITH: Aye. 22 CLERK: Smith-Ingram? 23 SEN. SMITH-INGRAM: Aye. 24 CLERK: Wells? 25 SEN. WELLS: Aye.	77

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1 CLERK: One no. 2 SEN. RUCHO: So 33 aye and 1 no, correct? 3 CLERK: Yes. 4 SEN. RUCHO: Members of the committee, 5 the roll call vote on that, the criteria for the 6 12th District adoption, is 33 aye and 1 no. All 7 right. 8 Before we go on to the next criteria, 9 I'll make a statement to the committee that under 10 the House rules, there is a way of amending or 11 submitting an amendment forward. If you'll contact 12 Ms. Churchill on this, she will assist you in doing 13 so if you desire. 14 All right, that being said, 15 Representative Lewis, before us is -- 16 REP. LEWIS: "Compactness." 17 SEN. RUCHO: -- "Compactness." All 18 right. Please, Ms. Churchill, would you read that? 19 MS. CHURCHILL: "Compactness: In light 20 of the Harris court's criticism of the compactness 21 of the 1st and 12th Districts, the committee shall 22 make reasonable efforts to construct districts in 23 the 2016 contingent Congressional plan that improve 24 the compactness of the current districts and keep 25 more counties and VTDs whole as compared to the	1 Mecklenburg. There's only 1 in Wake, I believe. 2 There's only 1 in Wake, and so 2 counties. There 3 may be 2 in Guilford. Is there any other county 4 with more than 1 incumbent? 5 REP. LEWIS: Senator Blue, thank you for 6 that question, and candidly, I don't believe so, 7 but I don't know that, either. 8 SEN. RUCHO: Follow-up? 9 SEN. BLUE: So if the only place that you 10 would worry about splitting the county to protect 11 the incumbency would be Mecklenburg County based on 12 the current layout -- I know that there are some of 13 us counties that are split 3 and 4 different ways, 14 but I know in Wake County, there's only 1 resident 15 Congressperson, although we have 4 districts here, 16 and I think that the same is true of every other 17 county except Mecklenburg, with the exception of 18 Guilford. There may be 2 from Guilford. I'm not 19 sure, but nevertheless, why should we split 20 counties if you don't have to, to protect the 21 incumbents? Why shouldn't we leave counties whole 22 all over the state except where you have to split 23 them because of population? 24 SEN. RUCHO: Representative Lewis? 25 REP. LEWIS: Thank you for that question,
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1 current enacted plan. Division of counties shall 2 only be made for reasons of equalizing population, 3 consideration of incumbency, and political impact. 4 Reasonable effort shall be made not to divide a 5 county into more than two districts." 6 SEN. RUCHO: Representative Lewis, would 7 you please explain the "Compactness" criteria? 8 REP. LEWIS: Thank you, Mr. Chairman. To 9 be clear, the -- trying to explain compactness is 10 very difficult, as I don't know that there is a 11 hard-and-fast definition that I can offer to the 12 committee. The way that I will interpret it is 13 again trying to keep as many counties whole as 14 possible, to split as few precincts as possible, 15 and again, only to -- and to only do that to 16 equalize population. 17 I would -- I would point out, again going 18 back to my friend, Representative Jackson's 19 question, these criteria kind of layer on each 20 other, and so I would -- I would urge the committee 21 to adopt the guideline on compactness. 22 SEN. RUCHO: Senator Blue? 23 SEN. BLUE: Thank you. Representative 24 Lewis, other than in 3 counties, are there multiple 25 incumbents? I know that there's more than 1 in	1 Senator Blue. My response would simply be that 2 considering where incumbents live, and for lack of 3 a better way to say it, the protection of 4 incumbents has always been an accepted political 5 practice in drawing maps. This does not require us 6 to do that. This simply says that that could be 7 one of the reasons that a county would be split. 8 The most important part of this is trying 9 to establish that we won't split counties more than 10 2 times, and we've already passed a criteria that 11 this reiterates, that the biggest reason a county 12 should be split is only to equalize the population 13 between the districts. 14 SEN. BLUE: Follow-up. 15 SEN. RUCHO: Follow-up. 16 SEN. BLUE: And I agree with that, but 17 I'm saying under the current scenario -- and in 18 fact, I think Mecklenburg is the only county that 19 has two Congresspeople, so you could split 20 Mecklenburg anyhow because you've got to split it 21 because it's got over 750,000, or whatever the 22 number is, people. You've got to split Wake; 23 you've got to split Mecklenburg. The others could 24 be made whole except for population purposes, so 25 why would you adopt criteria saying that you're not

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1	going to split counties except to protect 2 incumbents when you don't have any incumbents to 3 protect, and you ultimately say that you will split 4 them for political impact, which means that you can 5 indiscriminately split counties however you want to 6 anyhow if you determine what the political impact 7 is? Why would you say that, and why would you put 8 that provision in there?	1	SEN. BLUE: If there is no incumbency, 2 then incumbents won't be considered in splitting 3 districts, and that can't be the reason for 4 splitting it. I'm simply saying that when you say 5 "political impact," you take away everything else 6 you put in that phrase, and if we believe in 7 keeping counties whole to the extent possible, 8 especially small counties, if we believe in that, 9 then all we've got to do is say we're only going to 10 split counties to equalize population, and I'm 11 wondering why it's so critical that you say 12 "political impact," since that phrase is loaded 13 with all kinds of subjective determinations, with 14 the ability to totally disregard this earlier 15 portion saying that you're not going to split 16 counties, or you're only going to split counties to 17 put them into two districts, because you don't say 18 you won't split them; you say you'll make 19 reasonable efforts not to. I'm saying why don't we 20 have an absolute prohibition on splitting counties 21 except when it's necessary to comply with one 22 person, one vote?
9	SEN. RUCHO: Representative --	23	REP. LEWIS: Thank you for that question,
10	SEN. BLUE: And that being said, would	24	Senator Blue. My response to that would be that we
11	you be willing to --	25	will look forward to reviewing maps that you may
12	SEN. RUCHO: One question. Let him		
13	answer this one first, please.		
14	SEN. BLUE: It's part of the same		
15	question. That being said, would you be willing to		
16	strike after the comma and the word "population" on		
17	the third from the bottom line the phrases		
18	"consideration of incumbency" and "political		
19	impact" so that there's a clear signal that you're		
20	not going to split counties since you don't have to		
21	split them to protect incumbents, so that you're		
22	not going to split counties except where you have		
23	to, to get to the one person, one vote requirement?		
24	SEN. RUCHO: Representative Lewis, why		
25	don't you answer his first question first? He		
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1	asked too many questions.	1	submit that follow that criteria. I feel very
2	REP. LEWIS: Senator Blue, thank you for	2	comfortable that we've made clear through this
3	that series of inquiries. I do apologize because I	3	process of what our -- what our intents are, and I
4	don't remember exactly what you asked.	4	would prefer that this criteria remain as it's
5	SEN. BLUE: Do you need me to reask it?	5	written.
6	REP. LEWIS: Let me just say that it is	6	SEN. RUCHO: Thank you. Representative
7	my intent to split as few counties as we possibly	7	Jones?
8	can, and to not allow the counties to be divided	8	REP. JONES: Thank you, Mr. Chairman. I
9	more than two times. Our overarching goal of this,	9	just wanted to clarify the record that there are
10	as Representative Jackson and I have had some	10	two Congressmen that live in Guilford County, Mark
11	continued conversation, all of these criteria kind	11	Walker of the 6th District, and Alma Adams of the
12	of overlap on each other.	12	12th District.
13	I would agree with you that equalizing	13	SEN. RUCHO: Okay. I've got -- I've got
14	population is a mandatory reason that a county may	14	Senator Smith.
15	have to be split. I would also say that it would	15	SEN. SMITH: Thank you, Mr. Chairman. I
16	be dishonest of me to say that political impact	16	certainly appreciate the idea of compactness. I
17	can't be considered in how you draw districts.	17	very much want to see precincts and counties left
18	I don't see any harm in leaving the words	18	whole. I would respectfully tell you that in 2011,
19	"consideration of incumbency" because there's no	19	there was a district drawn where an incumbent was
20	requirement that the districts be drawn to include	20	drawn out. It was the district that I lived in,
21	the current seated members. It just allows for	21	and so the 7th Congressional District drew -- was
22	the -- the consideration that they are -- that they	22	changed to the 8th Congressional District, and the
23	are in fact there.	23	Congressman McIntyre, who was the incumbent, was
24	SEN. BLUE: One last follow-up.	24	drawn out essentially of his own district, and my
25	SEN. RUCHO: Last follow-up.	25	concern is what Senator Blue has said. The idea of

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<p>1 compactness is great, but when we leave in this 2 other phrase about incumbency, we have taken away 3 the other reason, the only reason that really 4 should be the case, and that is population. 5 REP. LEWIS: Senator, I appreciate that. 6 Again, I would state that equalizing population is 7 definitely the required reason that a county may 8 have to be split. This simply allows for 9 consideration of incumbency and consideration of 10 political impact. I don't -- I don't see that that 11 would interfere with us being able to use 12 compactness in drawing the maps. 13 SEN. SMITH: Follow-up, Mr. Chair? 14 SEN. RUCHO: Follow-up. 15 SEN. SMITH: I just would point out that 16 population was not the case in 2011, and my concern 17 is that if we agree to this and keep this as 18 incumbency and political impact, that that will end 19 up trumping population, and splitting counties and 20 precincts. 21 SEN. RUCHO: Thank you. Representative 22 Lewis, do you want to comment? 23 REP. LEWIS: No. 24 SEN. RUCHO: You're all set? Just a 25 quick -- is it -- a question for the Chair,</p>	<p>1 Representative Lewis: The way this is drafted now, 2 what I'm seeing is a statement of an aspirational 3 goal, but not a strict requirement. Is that 4 correct, or is that a misreading? It's one thing 5 to aspire to accomplish these things, which I 6 support. It's another thing if you make it a 7 litmus test, so can you clarify that? 8 REP. LEWIS: Thank you for that question, 9 Senator McKissick. Let me say that this is an 10 aspirational goal. 11 SEN. MCKISSICK: In which case, I embrace 12 it. 13 SEN. RUCHO: Okay. From the Chair, 14 Senator McKissick [sic], a question that 15 Representative Jackson asked earlier, and when you 16 talk about the criteria, is it accurate to say that 17 all of them are weighted at the same level, and 18 it's a matter of harmonizing to try to get to a map 19 that meets those criteria? 20 (No response.) 21 SEN. RUCHO: David? 22 REP. LEWIS: I'm sorry, Mr. Chairman. 23 SEN. RUCHO: Oh, I'm sorry. From the 24 Chair, a question for you. 25 REP. LEWIS: Yes, sir?</p>
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	<p>1 Representative Lewis: Is it a requirement for a 2 Congressional candidate to live in the district 3 they're running in? 4 REP. LEWIS: No. A candidate for 5 Congress is not required to reside in the district 6 in which they run. 7 SEN. RUCHO: Okay, thank you. I've got 8 Representative Hager. 9 REP. HAGER: Thank you, Mr. Chairman, and 10 thank you, Representative Lewis, for -- for this 11 particularly, because as I said earlier, Rutherford 12 County, prior to the Rucho-Lewis maps that we're 13 under today, split Rutherford County between the 14 10th and the 11th. Now, I find it -- and I have a 15 question for you. I find it very ironic that that 16 split for the 11th included -- came down Main 17 Street in Rutherfordton to include Walter Dalton's 18 house, so the question I have for you is we won't 19 split districts depending on who we think may run 20 for that Congressional district; would that be 21 correct? 22 REP. LEWIS: Yes, sir, that's correct. 23 SEN. RUCHO: Okay. All right. I've got 24 Senator McKissick. 25 SEN. MCKISSICK: Let me ask you this,</p> <p>1 SEN. RUCHO: Based on what Representative 2 Jackson asked earlier, all of these criteria listed 3 that's being submitted and voted upon, is it fair 4 to say that the criteria established are not ranked 5 as far as priorities, but are a matter of 6 harmonizing until you can get a map that meets 7 those criteria? 8 REP. LEWIS: That's correct, sir. We are 9 seeking aspirational harmony. 10 (Laughter.) 11 SEN. RUCHO: Okay. Do you have a motion? 12 REP. LEWIS: Mr. Chairman, I would move 13 that the 2016 contingent Congressional plan 14 proposed criteria labeled "Compactness" be adopted 15 by the committee. 16 SEN. RUCHO: All right. I've got -- 17 Representative Davis has seconded that motion. 18 Members of the committee, any questions, comments 19 prior to a roll call vote? Representative Farmer- 20 Butterfield? 21 REP. FARMER-BUTTERFIELD: Thank you. I 22 want to ask about the hearings yesterday and how 23 much impact they had on the criteria, if any, based 24 on what you're presenting today. 25 SEN. RUCHO: Representative Lewis?</p>

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1 REP. LEWIS: Thank you for that -- thank 2 you for that inquiry, Representative. I will tell 3 you that many things that stand out in my mind are 4 do away with the 12th, keep counties whole, all of 5 which we've addressed in this, so I would say that 6 they had a great deal of impact on the criteria 7 that you have before you. 8 SEN. RUCHO: All set? Okay. Yes, 9 Representative Stevens? 10 REP. STEVENS: Thank you, Mr. Chair, and 11 I just wanted to commend Representative Lewis and 12 perhaps answer some of the things that some of the 13 people are talking about, and I'd like to read -- I 14 guess it's about one and a half paragraphs of one 15 of the most recent redistricting cases in March of 16 2015. 17 It says, "Now consider the nature of 18 those offsetting 'traditional race-neutral 19 districting principles.' We have listed several, 20 including 'compactness, contiguity, respect for 21 political subdivisions or communities defined by 22 actual shared interests,' incumbency protection, 23 and political affiliation," those things that we've 24 done. 25 The next paragraph says, "But we have not	1 CLERK: Brawley? 2 REP. BRAWLEY: Aye. 3 CLERK: Cotham? 4 REP. COTHAM: No. 5 CLERK: Davis? 6 REP. DAVIS: Aye. 7 CLERK: Farmer-Butterfield? 8 REP. FARMER-BUTTERFIELD: No. 9 CLERK: Hager? 10 REP. HAGER: Aye. 11 CLERK: Hanes? 12 REP. HANES: Yes. 13 CLERK: Hardister? 14 REP. HARDISTER: Aye. 15 CLERK: Hurley? 16 REP. HURLEY: Aye. 17 CLERK: Jackson? 18 REP. JACKSON: No. 19 CLERK: Johnson? 20 REP. JOHNSON: Aye. 21 CLERK: Jordan? 22 REP. JORDAN: Aye. 23 CLERK: McGrady? 24 REP. MCGRADY: Aye. 25 CLERK: Michaux?	
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1 listed equal population objectives. And there is a 2 reason for that omission. The reason that equal 3 population objectives do not appear on this list of 4 'traditional' criteria is that equal population 5 objectives play a major -- different role in a 6 State's redistricting process. That role is not a 7 minor one. Indeed, in light of the Constitution's 8 demands, that role may often prove 'predominant' in 9 the ordinary sense of that word," because the equal 10 population, it goes on to talk about in the voting 11 rights districts we really have to take a different 12 focus on that, so I commend you for all of the 13 criteria you've set forward. It seems to comply 14 with the most recent case law. 15 SEN. RUCHO: Representative Lewis? 16 REP. LEWIS: Yes, sir, Mr. Chairman? 17 SEN. RUCHO: All set? We've got a motion 18 before us that we approve of the criteria that was 19 listed and debated on the compactness. We've had a 20 second from Representative Davis. Mr. Clerk, would 21 you call the roll? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Jones? 25 REP. JONES: Aye.	1 REP. MICHAUX: No. 2 CLERK: Moore? 3 REP. MOORE: Yes. 4 CLERK: Stam? 5 REP. STAM: Yes. 6 CLERK: Stevens? 7 REP. STEVENS: Yes. 8 CLERK: Rucho? 9 SEN. RUCHO: Aye. 10 CLERK: Apodaca? 11 SEN. APODACA: Aye. 12 CLERK: Barefoot? 13 SEN. BAREFOOT: Aye. 14 CLERK: Blue? 15 SEN. BLUE: No. 16 CLERK: Brown? 17 SEN. BROWN: Aye. 18 CLERK: Clark? 19 SEN. CLARK: No. 20 CLERK: Harrington? 21 SEN. HARRINGTON: Aye. 22 CLERK: Hise? 23 SEN. HISE: Aye. 24 CLERK: Jackson? 25 SEN. JACKSON: Aye.	

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<p>1 CLERK: Lee?</p> <p>2 SEN. LEE: Aye.</p> <p>3 CLERK: McKissick?</p> <p>4 SEN. MCKISSICK: Aye.</p> <p>5 CLERK: Randleman?</p> <p>6 SEN. RANDLEMAN: Aye.</p> <p>7 CLERK: Sanderson?</p> <p>8 SEN. SANDERSON: Aye.</p> <p>9 CLERK: Smith?</p> <p>10 SEN. SMITH: No.</p> <p>11 CLERK: Smith-Ingram?</p> <p>12 SEN. SMITH-INGRAM: Aye.</p> <p>13 CLERK: Wells?</p> <p>14 SEN. WELLS: Aye.</p> <p>15 SEN. RUCHO: Members of the committee, the roll was taken. We have the ayes, 27, the noes, 7. That was adopted. Okay, everyone, pay close attention here. We have before us another criteria entitled "Incumbency." Ms. Churchill?</p> <p>20 MS. CHURCHILL: "Incumbency: Candidates for Congress are not required by law to reside in a district they seek to represent; however, reasonable efforts shall be made to ensure that incumbent members of Congress are not paired with another incumbent in one of the new districts</p>	<p>1 REP. JONES: Aye.</p> <p>2 CLERK: Brawley?</p> <p>3 REP. BRAWLEY: Aye.</p> <p>4 CLERK: Cotham?</p> <p>5 (No response.)</p> <p>6 CLERK: Davis?</p> <p>7 (No response.)</p> <p>8 CLERK: Farmer-Butterfield?</p> <p>9 REP. FARMER-BUTTERFIELD: Yes.</p> <p>10 CLERK: Hager?</p> <p>11 REP. HAGER: Aye.</p> <p>12 CLERK: Hanes?</p> <p>13 REP. HANES: Aye.</p> <p>14 CLERK: Hardister?</p> <p>15 REP. HARDISTER: Aye.</p> <p>16 CLERK: Hurley?</p> <p>17 REP. HURLEY: Aye.</p> <p>18 CLERK: Jackson?</p> <p>19 REP. JACKSON: Aye.</p> <p>20 CLERK: Johnson?</p> <p>21 REP. JOHNSON: Aye.</p> <p>22 CLERK: Jordan?</p> <p>23 REP. JORDAN: Aye.</p> <p>24 CLERK: McGrady?</p> <p>25 REP. MCGRADY: Aye.</p>
<p>95</p> <p>1 constructed in the 2016 contingent Congressional plan."</p> <p>3 REP. LEWIS: Mr. Chairman, I'd call this the Senator Smith criteria, and I'd move its adoption.</p> <p>6 SEN. RUCHO: All right. That was the explanation?</p> <p>8 REP. LEWIS: Well, this is also aspirational, and attempting to harmonize the other criteria.</p> <p>11 SEN. RUCHO: All right. Members of the committee, any questions or comments on the criteria before you dealing with incumbency?</p> <p>14 (No response.)</p> <p>15 SEN. RUCHO: Seeing none, Representative Lewis has a motion that we -- that we approve -- adopt the incumbency criteria. Representative Brawley seconded. We have before us -- any additional thoughts or questions?</p> <p>20 (No response.)</p> <p>21 SEN. RUCHO: If not, we'll take a roll.</p> <p>22 Mr. Clerk?</p> <p>23 CLERK: Lewis?</p> <p>24 REP. LEWIS: Aye.</p> <p>25 CLERK: Jones?</p>	<p>1 CLERK: Michaux?</p> <p>2 REP. MICHAUX: Aye.</p> <p>3 CLERK: Moore?</p> <p>4 REP. MOORE: Aye.</p> <p>5 CLERK: Stam?</p> <p>6 REP. STAM: Aye.</p> <p>7 CLERK: Stevens?</p> <p>8 REP. STEVENS: Aye.</p> <p>9 CLERK: Rucho?</p> <p>10 SEN. RUCHO: Aye.</p> <p>11 CLERK: Apodaca?</p> <p>12 SEN. APODACA: Aye.</p> <p>13 CLERK: Barefoot?</p> <p>14 SEN. BAREFOOT: Aye.</p> <p>15 CLERK: Blue?</p> <p>16 SEN. BLUE: Aye.</p> <p>17 CLERK: Brown?</p> <p>18 SEN. BROWN: Aye.</p> <p>19 CLERK: Clark?</p> <p>20 SEN. CLARK: No.</p> <p>21 CLERK: Harrington?</p> <p>22 SEN. HARRINGTON: Aye.</p> <p>23 CLERK: Hise?</p> <p>24 SEN. HISE: Aye.</p> <p>25 CLERK: Jackson?</p>

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<p>1 SEN. JACKSON: Aye. 2 CLERK: Lee? 3 SEN. LEE: Aye. 4 CLERK: McKissick? 5 SEN. MCKISSICK: Aye. 6 CLERK: Randleman? 7 SEN. RANDLEMAN: Aye. 8 CLERK: Sanderson? 9 SEN. SANDERSON: Aye. 10 CLERK: Smith? 11 SEN. SMITH: Aye. 12 CLERK: Smith-Ingram? 13 SEN. SMITH-INGRAM: Aye. 14 CLERK: Wells? 15 SEN. WELLS: Aye. 16 SEN. RUCHO: All right. 17 REP. MICHAUX: Mr. Chairman? 18 SEN. RUCHO: One second. Let me call the 19 vote, please. We had aye, 31, no, 1. That 20 criteria for incumbency has been adopted. All 21 right. Question, Senator -- Representative 22 McKissick -- I mean, excuse me -- sorry. Mr. 23 Michaux, did you have a question? 24 REP. MICHAUX: No. 25 SEN. RUCHO: Okay. I thought I heard</p>	<p>1 amendments, so a couple of minutes to break. 2 (RECESS, 12:04 - 12:22 P.M.) 3 SEN. RUCHO: All right, members of the 4 committee, I think you have on each of your desks a 5 copy of an amendment submitted by Representative 6 Paul Stam, "Amendment to Political Data Criteria 7 #3." Representative Stam? 8 REP. STAM: Yes. It's just sort of 9 technical. I kept reading that thing, and the way 10 it read, you could read it that you couldn't 11 consider data from the 2008 election, since it said 12 "since 2008," so this makes clear that yes, you can 13 consider 2008 and things forward. 14 SEN. RUCHO: All right. You've explained 15 it. Is that a motion you're making? 16 REP. STAM: I move the amendment. 17 SEN. RUCHO: Representative Lewis? 18 REP. LEWIS: Mr. Chairman, if I could, to 19 the maker of the amendment, Representative Stam, 20 would the gentleman consider striking "#3" to make 21 clear that these are in no particular order? In 22 other words, it would say, "Amendment to Political 23 Data Criteria." 24 REP. STAM: Oh, sure. Well, it would 25 be -- yes, yes, I do. Whether it's spelled</p>	
<p>1 something from over there. 2 REP. LEWIS: Thank you, Mr. Chairman, 3 members. 4 SEN. RUCHO: Okay, let me see. All 5 right. We -- I mentioned earlier that -- 6 amendments being submitted. Are there any 7 amendments that are going to be submitted? All 8 right. Representative Blue? 9 SEN. BLUE: I have one that -- 10 SEN. RUCHO: Excuse me, Senator Blue. 11 I'm sorry. 12 SEN. BLUE: I have one. I had to change 13 it after the adoption of one of the other 14 amendments. I had given it to Erika earlier. 15 SEN. RUCHO: All right. It's being 16 worked on? 17 SEN. BLUE: Yeah. 18 SEN. RUCHO: Okay. I think Senator Hise 19 has an amendment. Okay. Senator Hise, do you have 20 an amendment? 21 SEN. HISE: I have a motion. 22 SEN. RUCHO: Motion. One second. They 23 need to have copies for distribution. (Pause.) 24 I'd like to have the committee stand at ease for a 25 few moments while we have some copies made of the</p>	<p>99</p> <p>1 "criterion" or "criteria," I will. 2 SEN. RUCHO: All right. So therefore, 3 the amendment that you've having strikes out -- or 4 it just says "Amendment to Political Data," and 5 then you're striking out -- excuse me -- "Political 6 Data Criteria." You're striking out "#3"? 7 REP. STAM: We're striking out "#3." 8 SEN. RUCHO: Just "#3." Members of the 9 committee, is that clear? 10 REP. LEWIS: Mr. Chairman? 11 SEN. RUCHO: Who's calling me? Oh, 12 Representative Lewis? 13 REP. LEWIS: I would support the 14 gentleman's amendment. 15 SEN. RUCHO: All right. Representative 16 Stam has submitted an amendment before you, and 17 it's open for discussion. Members of the 18 committee? 19 (No response.) 20 SEN. RUCHO: Seeing none, would you have 21 a roll call, Mr. Clerk? 22 CLERK: Lewis? 23 REP. LEWIS: Aye. 24 CLERK: Lewis, aye. Jones? 25 REP. JONES: Aye.</p>	101

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1	CLERK: Jones, aye. Brawley?	1 CLERK: Jackson, aye. Lee?
2	REP. BRAWLEY: Aye.	2 SEN. LEE: Aye.
3	CLERK: Brawley, aye. Cotham?	3 CLERK: Lee, aye. McKissick?
4	REP. COTHAM: Aye.	4 SEN. MCKISSICK: No.
5	CLERK: Cotham, aye. Davis?	5 CLERK: McKissick, no. Randleman?
6	REP. DAVIS: Aye.	6 SEN. RANDLEMAN: Aye.
7	CLERK: Davis, aye. Farmer-Butterfield?	7 CLERK: Randleman, aye. Sanderson?
8	REP. FARMER-BUTTERFIELD: Aye.	8 SEN. SANDERSON: Aye.
9	CLERK: Farmer-Butterfield, aye. Hager?	9 CLERK: Sanderson, aye. Smith?
10	REP. HAGER: Aye.	10 SEN. SMITH: No.
11	CLERK: Hager, aye. Hanes?	11 CLERK: Smith, no. Smith-Ingram?
12	REP. HANES: Aye.	12 SEN. SMITH-INGRAM: Nay.
13	CLERK: Hanes, aye. Hardister?	13 CLERK: Smith-Ingram, no. Wells?
14	REP. HARDISTER: Aye.	14 SEN. WELLS: Aye.
15	CLERK: Hardister, aye. Hurley?	15 CLERK: Aye. 4.
16	REP. HURLEY: Aye.	16 SEN. RUCHO: That makes 30 yeses. Did everybody vote?
17	CLERK: Hurley, aye. Jackson?	17 CLERK: Yes. 30 to 4.
18	REP. JACKSON: Aye.	18 SEN. RUCHO: All right, members of the committee, on the roll-call vote on Representative Stam's amendment dealing with -- and it's titled "Amendment to Political Data Criteria." It is adopted 30 to 4.
19	CLERK: Jackson, aye. Johnson?	19 Okay, we'll now just -- we'll go on to the next. (Pause.) All right, members, you have
20	REP. JOHNSON: Aye.	20
21	CLERK: Johnson, aye. Jordan?	21
22	REP. JORDAN: Aye.	22
23	CLERK: Jordan, aye. McGrady?	23
24	REP. MCGRADY: Aye.	24
25	CLERK: McGrady, aye. Michaux?	25
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1	REP. MICHIAUX: Aye.	1 an amendment coming out toward you, and it is
2	CLERK: Michaux, aye. Moore?	2 "Amendment, Compactness Criteria." It's -- all
3	REP. MOORE: Aye.	3 right.
4	CLERK: Moore, aye. Stam?	4 REP. LEWIS: Mr. Chairman?
5	REP. STAM: Aye.	5 SEN. RUCHO: Yes, sir, Representative
6	CLERK: Stam, aye. Stevens?	6 Lewis? Excuse me, Representative Lewis. I've
7	REP. STEVENS: Aye.	7 got -- we need to have Senator Blue explain his
8	CLERK: Stevens, aye. Ruch?	8 amendment. Go ahead.
9	SEN. RUCHO: Aye.	9 REP. LEWIS: I was wondering if Senator
10	CLERK: Ruch, aye. Apodaca?	10 Blue would agree to a -- to a technical fix to
11	SEN. APODACA: Aye.	11 strike the number sign and the 6.
12	CLERK: Apodaca, aye. Barefoot?	12 SEN. BLUE: I would.
13	SEN. BAREFOOT: Aye.	13 SEN. RUCHO: Okay. Members of the
14	CLERK: Barefoot, aye. Blue?	14 committee, on Senator Blue's amendment, the title
15	SEN. BLUE: No.	15 will be, "Amendment, Compactness Criteria." You
16	CLERK: Blue, no. Brown?	16 will scratch "#6." That will not be in there.
17	SEN. BROWN: Aye.	17 All right, Senator Blue, everyone has a
18	CLERK: Brown, aye. Clark?	18 copy of the amendment. Would you like to explain
19	SEN. CLARK: No.	19 your amendment?
20	CLERK: Clark, no. Harrington?	20 SEN. BLUE: I would. Thank you, Mr.
21	SEN. HARRINGTON: Aye.	21 Chairman. Mr. Chairman and ladies and gentlemen of
22	CLERK: Harrington, aye. Hise?	22 the committee and Senators and House members
23	SEN. HISE: Aye.	23 present, what I tried to do in this amendment is
24	CLERK: Hise, aye. Jackson?	24 simply recognize that the county is the most
25	SEN. JACKSON: Aye.	25 important governmental unit following the state,

<p style="text-align: center;">106</p> <p>1 because they're extensions of the state, and to set 2 forth clearly that we are -- we're only going to 3 divide counties when you're equalizing population, 4 although that's a federal requirement, too, and 5 when you're complying with federal law. 6 It's something you've got to do. You 7 might as well admit that we have to comply with 8 federal law. Federal law is supreme, and so this 9 says that we will split counties only when you're 10 trying to get down to zero deviation in population, 11 which we're going to try to do, I take it, and only 12 when you're complying with a federal law regarding 13 redistricting. All of the other reasons that have 14 been given would not be justification for splitting 15 counties, and I move the adoption of the amendment.</p> <p>16 SEN. RUCHO: Representative Lewis?</p> <p>17 REP. LEWIS: Thank you, Mr. Chairman, and 18 thank you, Senator Blue, for that explanation. Let 19 me be clear, ladies and gentlemen. We of course 20 are going to comply with federal law. We would not 21 be here were we not attempting to comply with the 22 federal decision issued by the courts. I would 23 submit that this amendment is not necessary, and 24 should not be adopted because we of course are 25 going -- as Senator Blue said, of course we're</p>	<p style="text-align: center;">108</p> <p>1 were looking at. I can't really look at all that I 2 want to.</p> <p>3 SEN. RUCHO: Okay. You all set? Members 4 of the committee -- oh, excuse me. Senator Hise?</p> <p>5 SEN. HISE: Thank you, Mr. Chairman, and 6 this may be for -- just trying to get clarity on 7 what this amendment would actually do. One of the 8 outcomes of the last maps is that all of the major 9 urban areas in the state were represented by two 10 Congressmen that was coming in, and something we 11 saw at least that was coming in. Would this 12 amendment prohibit that type of decision for those 13 districts so that -- as that would be a political 14 impact that was coming in that we could not make 15 sure that urban areas were represented by two 16 Congressmen?</p> <p>17 SEN. RUCHO: Okay. Representative -- 18 excuse me. Senator Blue, would you please answer 19 that question?</p> <p>20 SEN. BLUE: I'll be happy to answer that. 21 Certainly not. As I said, the only two counties 22 that absolutely would be guaranteed to be 23 represented by two Congresspeople would be 24 Mecklenburg and Wake, since each of them has a 25 population in excess of the 700-plus thousand</p>
<p style="text-align: center;">107</p> <p>1 going to comply with the federal law. 2 As we've already had a pretty lengthy 3 discussion, that consideration, the word 4 "consideration" of incumbency and political impact 5 may be considered. It's not required to be 6 considered, and I've already stated for the record 7 that equalizing population is the most important 8 reason that a county would be divided. I would 9 respectfully ask the members to vote against this 10 amendment.</p> <p>11 SEN. RUCHO: I've got Representative 12 Stam.</p> <p>13 REP. STAM: I would oppose the amendment, 14 and point out what may be obvious. Senator Blue as 15 the Minority Leader is going to be perfectly 16 entitled to submit his own plan, and nothing in 17 what we've written would prohibit him from striking 18 those two criteria from his maps. He doesn't need 19 this amendment to do what he wants to do.</p> <p>20 SEN. RUCHO: Yes, Senator Blue?</p> <p>21 SEN. BLUE: Just a comment. My cape 22 disappeared, and I'm not Superman anymore, so I 23 can't do a map in a day that takes into account all 24 of the stuff that we have as criteria. I was 25 thinking we were narrowing the things that we</p>	<p style="text-align: center;">109</p> <p>1 that's necessary to draw a Congressional district. 2 If you started drawing a district toward an urban 3 area, then you could split that urban area when you 4 got to it so that it's in two separate districts. 5 This would in no way prohibit having two 6 Congresspeople from whichever other urban areas 7 other than Wake and Mecklenburg, where you'd be 8 guaranteed at least two, where you could bring them 9 into one of the urban counties, but you couldn't 10 split it but one time, so you get -- you could get 11 two from Guilford, two from Cumberland, two from 12 Forsyth, two from any of the counties, including 13 the smallest, if you paired it with a much bigger 14 population.</p> <p>15 SEN. RUCHO: Representative Lewis, 16 comment?</p> <p>17 REP. LEWIS: No, sir. I would say I'm 18 sure that the answer Senator Blue gave is correct 19 to Senator Hise's question. I just again would not 20 support the amendment as it's drafted for the 21 reasons that I've already stated.</p> <p>22 SEN. RUCHO: All right. Members of the 23 committee, you have an amendment before you from 24 Senator Blue, and the amendment is entitled 25 "Amendment, Compactness Criteria." Any additional</p>

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<p>1 questions, comments?</p> <p>2 (No response.)</p> <p>3 SEN. RUCHO: Seeing none, the roll call,</p> <p>4 Mr. Clerk?</p> <p>5 CLERK: Lewis?</p> <p>6 REP. LEWIS: No.</p> <p>7 CLERK: Lewis, no. Jones?</p> <p>8 REP. JONES: No.</p> <p>9 CLERK: Jones, no. Brawley?</p> <p>10 REP. BRAWLEY: No.</p> <p>11 CLERK: Brawley, no. Cotham?</p> <p>12 REP. COTHAM: Yes.</p> <p>13 CLERK: Cotham, yes. Davis?</p> <p>14 REP. DAVIS: No.</p> <p>15 CLERK: Davis, no. Farmer-Butterfield?</p> <p>16 REP. FARMER-BUTTERFIELD: Yes.</p> <p>17 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>18 REP. HAGER: No.</p> <p>19 CLERK: Hager, no. Hanes?</p> <p>20 REP. HANES: Yes.</p> <p>21 CLERK: Hanes, yes. Hardister?</p> <p>22 REP. HARDISTER: No.</p> <p>23 CLERK: Hardister, no. Hurley?</p> <p>24 REP. HURLEY: No.</p> <p>25 CLERK: Hurley, no. Jackson?</p>	<p>1 CLERK: Brown, no. Clark?</p> <p>2 SEN. CLARK: Aye.</p> <p>3 CLERK: Clark, aye. Harrington?</p> <p>4 SEN. HARRINGTON: No.</p> <p>5 CLERK: Harrington, no. Hise?</p> <p>6 SEN. HISE: No.</p> <p>7 CLERK: Hise, no. Jackson?</p> <p>8 SEN. JACKSON: No.</p> <p>9 CLERK: Jackson, no. Lee?</p> <p>10 SEN. LEE: No.</p> <p>11 CLERK: Lee, no. McKissick?</p> <p>12 SEN. MCKISSICK: Aye.</p> <p>13 CLERK: McKissick, aye. Randleman?</p> <p>14 SEN. RANDLEMAN: No.</p> <p>15 CLERK: Randleman, no. Sanderson?</p> <p>16 SEN. SANDERSON: No.</p> <p>17 CLERK: Sanderson, no. Smith?</p> <p>18 SEN. SMITH: Aye.</p> <p>19 CLERK: Smith, aye. Smith-Ingram?</p> <p>20 SEN. SMITH-INGRAM: Aye.</p> <p>21 CLERK: Smith-Ingram, aye. Wells?</p> <p>22 SEN. WELLS: No.</p> <p>23 CLERK: No.</p> <p>24 SEN. RUCHO: All right, members of the committee, the roll call vote was aye -- excuse</p>
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<p>1 REP. JACKSON: Yes.</p> <p>2 CLERK: Jackson, yes. Johnson?</p> <p>3 REP. JOHNSON: No.</p> <p>4 CLERK: Johnson, no. Jordan?</p> <p>5 REP. JORDAN: No.</p> <p>6 CLERK: Jordan, no. McGrady?</p> <p>7 REP. MCGRADY: No.</p> <p>8 CLERK: McGrady, no. Michaux?</p> <p>9 REP. MICHAUX: Aye.</p> <p>10 CLERK: Michaux, aye. Moore?</p> <p>11 REP. MOORE: Aye.</p> <p>12 CLERK: Moore, aye. Stam?</p> <p>13 REP. STAM: No.</p> <p>14 CLERK: Stam, no. Stevens?</p> <p>15 REP. STEVENS: No.</p> <p>16 CLERK: Stevens, no. Rucho?</p> <p>17 SEN. RUCHO: No.</p> <p>18 CLERK: Rucho, no. Apodaca?</p> <p>19 SEN. APODACA: No.</p> <p>20 CLERK: Apodaca, no. Barefoot?</p> <p>21 SEN. BAREFOOT: No.</p> <p>22 CLERK: Barefoot, no. Blue?</p> <p>23 SEN. BLUE: Aye.</p> <p>24 CLERK: Blue, aye. Brown?</p> <p>25 SEN. BROWN: No.</p>	<p>1 me -- no, 23; aye, 11.</p> <p>2 All right, we have another one before us,</p> <p>3 and this one will be Senator Erica Smith-Ingram's</p> <p>4 amendment on criteria.</p> <p>5 REP. LEWIS: Mr. Chairman?</p> <p>6 SEN. RUCHO: Yes, Representative Lewis?</p> <p>7 REP. LEWIS: Would Senator Smith-Ingram</p> <p>8 agree to a small technical amendment to strike the</p> <p>9 number and "6"?</p> <p>10 SEN. SMITH-INGRAM: Yes.</p> <p>11 REP. LEWIS: Thank you, ma'am.</p> <p>12 SEN. RUCHO: Members of the committee,</p> <p>13 Senator Smith-Ingram has agreed to a technical</p> <p>14 amendment that will strike the title, and the title</p> <p>15 will read "Amendment to Compactness Criteria," and</p> <p>16 that'll be all it'll say there.</p> <p>17 Okay, I have Senator Smith-Ingram to</p> <p>18 present her amendment.</p> <p>19 SEN. SMITH-INGRAM: Thank you, Mr. Chair.</p> <p>20 In light of our previous discussions and our effort</p> <p>21 to promote harmony, you can have one-part harmony,</p> <p>22 two-part, three-part. In this case, this will add</p> <p>23 the four-part harmony, and I would ask staff if</p> <p>24 there is needed discussion about the actual</p> <p>25 language, it came from the federal case.</p>

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<p>1 REP. LEWIS: Mr. Chairman? 2 SEN. RUCHO: Representative Lewis, 3 comment? 4 REP. LEWIS: Yes, sir. I appreciate the 5 amendment and the sentiment expressed by the 6 Senator. I would offer that it appears to me that 7 the language that's attempting to be added is 8 somewhat vague and nebulous, as I don't know that 9 we have a defined -- or an actionable definition of 10 what "community of interest" is, or "community of 11 shared interest," so respectfully, I would ask the 12 committee to defeat this amendment. 13 SEN. RUCHO: Members of the committee, 14 any questions or comments? 15 (No response.) 16 SEN. RUCHO: We have a motion before us 17 dealing with "Amendment to Compact Criteria" 18 submitted by Senator Erica Smith-Ingram. You have 19 that before you. Seeing no comments or questions, 20 Mr. Clerk, roll call, please? 21 CLERK: Lewis? 22 REP. LEWIS: No. 23 CLERK: Lewis, no. Jones? 24 REP. JONES: No. 25 CLERK: Jones, no. Brawley?</p>	<p>1 CLERK: Michaux, yes. Moore? 2 REP. MOORE: Yea. 3 CLERK: Moore, yea. Stam? 4 REP. STAM: No. 5 CLERK: Stam, no. Stevens? 6 REP. STEVENS: Yes. 7 CLERK: Stevens -- 8 REP. STEVENS: Sorry. No. 9 CLERK: Stevens, no. Rucho? 10 SEN. RUCHO: No. 11 CLERK: Rucho, no. Apodaca? 12 SEN. APODACA: No. 13 CLERK: Apodaca, no. Barefoot? 14 SEN. BAREFOOT: No. 15 CLERK: Barefoot, no. Blue? 16 SEN. BLUE: Yes. 17 CLERK: Blue, yes. Brown? 18 SEN. BROWN: No. 19 CLERK: Brown, no. Clark? 20 SEN. CLARK: Yes. 21 CLERK: Clark, yes. Harrington? 22 SEN. HARRINGTON: No. 23 CLERK: Harrington, no. Hise? 24 SEN. HISE: No. 25 CLERK: Hise, no. Jackson?</p>
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<p>1 REP. BRAWLEY: No. 2 CLERK: Brawley, no. Cotham? 3 REP. COTHAM: Yes. 4 CLERK: Cotham, yes. Davis? 5 REP. DAVIS: No. 6 CLERK: Davis, no. Farmer-Butterfield? 7 REP. FARMER-BUTTERFIELD: Yes. 8 CLERK: Farmer-Butterfield, yes. Hager? 9 REP. HAGER: No. 10 CLERK: Hager, no. Hanes? 11 REP. HANES: Yes. 12 CLERK: Hanes, yes. Hardister? 13 REP. HARDISTER: No. 14 CLERK: Hardister, no. Hurley? 15 REP. HURLEY: No. 16 CLERK: Hurley, no. Jackson? 17 REP. JACKSON: Yes. 18 CLERK: Jackson, yes. Johnson? 19 REP. JOHNSON: No. 20 CLERK: Johnson, no. Jordan? 21 REP. JORDAN: No. 22 CLERK: Jordan, no. McGrady? 23 REP. MCGRADY: No. 24 CLERK: McGrady, no. Michaux? 25 REP. MICHAUX: Yes.</p>	<p>1 SEN. JACKSON: No. 2 CLERK: Jackson, no. Lee? 3 SEN. LEE: No. 4 CLERK: Lee, no. McKissick? 5 SEN. MCKISSICK: Yes. 6 CLERK: McKissick, yes. Randleman? 7 SEN. RANDLEMAN: No. 8 CLERK: Randleman, no. Sanderson? 9 SEN. SANDERSON: No. 10 CLERK: Sanderson, no. Smith? 11 SEN. SMITH: Aye. 12 CLERK: Smith, aye. Smith-Ingram? 13 SEN. SMITH-INGRAM: Aye. 14 CLERK: Smith-Ingram, aye. Wells? 15 SEN. WELLS: No. 16 CLERK: Wells, no. 23-11. 17 SEN. RUCHO: 23 no; 11 yes? 18 CLERK: Yes. 19 SEN. RUCHO: Members of the committee, on 20 "Amendment to Compactness Criteria" from Senator 21 Erica Smith-Ingram, the ayes, 11; the noes, 23. 22 That amendment was not adopted. 23 All right, we have another one, and I 24 believe it's already at your desk, and this one is 25 "Communities of Interest," submitted by Senator</p>

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<p>1 Floyd McKissick. Senator McKissick, would you like 2 to explain your amendment?</p> <p>3 SEN. MCKISSICK: Sure, and it's very 4 straightforward. It's not seeking to amend any 5 other criteria. This would just be a criteria that 6 is aspirational, as many of the others. It does 7 follow case law in terms of what is stated, and 8 what this says is that the committee will make 9 reasonable efforts to respect political 10 subdivisions, cities, towns, what have you, as well 11 as communities as defined by actual interest. What 12 I would like to do is recognize Kara as well as 13 Erica, perhaps, to provide further clarification in 14 terms of existing case law.</p> <p>15 I think we are -- we would be remiss if 16 we did not include this as one of the benchmarks 17 that we would seek to use in drawing the plans as 18 we move forward. I can't imagine why we would want 19 to ignore communities of shared interest or not 20 respect political subdivisions other than counties. 21 This is talking about other political subdivisions 22 or towns that might be within these Congressional 23 districts, which should also be respected to the 24 extent it's possible and feasible to do so, not 25 just counties.</p>	<p>1 on the vagueness of these terms, to reject this 2 additional criteria.</p> <p>3 SEN. MCKISSICK: Follow-up, Mr. Chair?</p> <p>4 SEN. RUCHO: Senator McKissick?</p> <p>5 SEN. MCKISSICK: Let me ask you this, 6 Representative Lewis: I see you have some problems 7 with that terminology that was used by the US 8 Supreme Court, which I think is pretty clear in 9 terms of a directive, but what is the objection to 10 respecting political subdivisions, because I would 11 think that we would all want to do so for the 12 cities and towns and communities --</p> <p>13 SEN. RUCHO: Representative Lewis?</p> <p>14 SEN. MCKISSICK: -- represent, and they 15 are used collectively by the Supreme Court, but I 16 mean, if you have problems with that, I think 17 you've got still to follow it, or you end up in 18 litigation. I don't think any of us want to end up 19 in litigation any more than we already are in this 20 state. I don't know why -- what's the objection to 21 respecting political subdivisions?</p> <p>22 REP. LEWIS: Well, sir, to be clear, as I 23 pointed out when we adopted the compactness 24 criteria, it's not our intent to split -- we're 25 going to do the best we can to keep as many</p>
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<p>1 Kara, Erika, if you could comment, 2 please?</p> <p>3 SEN. RUCHO: Please identify yourself and 4 respond to Senator McKissick's request if you can.</p> <p>5 MS. MCCRAW: I'm Kara McCraw, staff 6 attorney with the Legislative Analysis Division. 7 Senator McKissick is referring to the last part of 8 this amendment. The term -- the language "respect 9 political subdivisions and communities defined by 10 actual shared interests" is language that was used 11 by the Supreme Court in the <i>Miller v. Johnson</i> case 12 from 1995 as part of the list of traditional race- 13 neutral districting principles.</p> <p>14 SEN. RUCHO: All right. Representative 15 Lewis?</p> <p>16 REP. LEWIS: Thank you, Mr. Chairman, and 17 thank you, Senator, for offering this additional 18 criteria. As best I can understand it, to the 19 extent it's required by federal law, of course 20 we're going to be mindful of that, but as you and I 21 had an aside conversation earlier, I don't believe 22 we have defined in this state at least what a 23 community of interest is. I don't understand, 24 actually, what "actual shared interests" means, so 25 therefore, I would have to ask the committee, based</p>	<p>1 counties and as many VTDs whole. I'll give you a 2 direct example of why I think this is vague.</p> <p>3 We've already heard from the gentleman 4 from Wake, Senator Blue, as he I think correctly 5 stated that a county is the most important 6 political subdivision. I actually -- I actually 7 agree with that. Your city, Durham, has annexed 8 into Wake County, so when I say it's vague and 9 nebulous, how do you know which -- which interest 10 you're going to follow? I think we've done a good 11 job in this committee of saying we're going to keep 12 as many counties and as many VTDs whole as we can.</p> <p>13 SEN. RUCHO: Okay, I've got 14 Representative Stam.</p> <p>15 REP. STAM: Yes, I was about to make the 16 same point. Cary has annexed into Chatham, so 17 under this, it would give mapmakers an excuse to 18 break the Wake/Chatham line so they could keep Cary 19 together. Angier, if you can believe it, has 20 annexed into Wake County. I don't know how David 21 Lewis let them do that. With this amendment, 22 mapmakers could despoil Wake County just to get a 23 few more Republicans into the Harnett County 24 district.</p> <p>25 REP. LEWIS: Mr. Chairman?</p>

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<p>1 SEN. RUCHO: Representative Lewis? 2 REP. LEWIS: For the record, while I do 3 not support Senator McKissick's amendment, I think 4 anywhere Angier can be shared is a positive thing. 5 (Laughter.) 6 SEN. RUCHO: Senator McKissick? 7 SEN. MCKISSICK: I would simply say that 8 we ought to try to respect these political 9 subdivisions. I don't think with the current mood 10 of this General Assembly, we have to worry about 11 too many more annexations occurring for a while, 12 so, you know, respecting political subdivisions is 13 a valid criteria regardless of what those political 14 subdivisions might look like, so obviously I 15 support it, but I can certainly put my finger in 16 the air and see the way these winds are blowing. 17 SEN. RUCHO: Members of the committee, 18 any additional questions? Senator? 19 SEN. SMITH-INGRAM: Yes. Representative 20 Lewis, I'm a little bit confused about your 21 objection to the use of this language inasmuch as 22 it relates to not having a definitive definition. 23 Is it possible for staff to be able to comment on 24 what is the definition used in North Carolina of 25 "communities of interest" as we have applied it in</p>	<p>1 the citizens of Wake County? I don't think we've 2 ever defined it. I certainly think that to the 3 extent that it's not restricted from being used as 4 the maps are prepared that, you know, I think 5 that's something that the map drawers may wish to 6 try and use, but I don't know that it -- I don't 7 understand -- I don't understand it enough, and I 8 do want to take this opportunity to respectfully 9 let my friend from Durham know that, as I reminded 10 him, I'm not an attorney, and in no way have I 11 tried to disrespect or disregard any ruling from 12 the US Supreme Court, nor from this federal trial 13 court, but I'm not prepared to stand before this 14 committee today and say that I understand what this 15 is trying to do; therefore, I continue to oppose 16 this new criteria. 17 SEN. RUCHO: Members of the committee? 18 (No response.) 19 SEN. RUCHO: From the Chair, 20 Representative Lewis, I recognize, and I think the 21 committee recognizes the full effort to keep 22 counties whole. I think the counties are 23 relatively stable in their -- in their borders, but 24 yet a municipality and a town and the like, with 25 annexation, deannexation and the like, is more</p>
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<p>1 the past? 2 SEN. RUCHO: The chair will allow that. 3 Which staff member would like to define 4 "communities of interest"?</p> <p>5 MS. MCCRAW: I'm Kara McCraw, staff 6 attorney with the Legislative Analysis Division. 7 North Carolina has not adopted a definition of 8 "communities of interest."</p> <p>9 SEN. RUCHO: Follow-up?</p> <p>10 SEN. SMITH-INGRAM: Follow-up. As I 11 recall, Representative Stevens just read from -- I 12 believe she was citing case law, but it just seems 13 that all the other elements that you have already 14 in the criteria are there, with the exception of 15 communities of interest, and so I'm just concerned 16 about why you have adopted the other three, and why 17 you feel comfortable with that, but not with the 18 communities of interest.</p> <p>19 SEN. RUCHO: Representative Lewis?</p> <p>20 REP. LEWIS: Well, again, thank you for 21 that inquiry, Senator. I would just say again that 22 as we've never defined what a community of interest 23 is -- and the example I tried to use with Senator 24 McKissick, how do you define -- is the City of 25 Durham a more important community of interest than</p>	<p>1 variable. Do you think that that may be one of the 2 reasons for what could be adding confusion? 3 REP. LEWIS: I think that's fair. I 4 think that's a good indication of why I say this is 5 vague, and not really defined. We got a request 6 from a member for the central staff to explain how 7 communities of interest are defined in the state, 8 and they're not, so since there's not a definition, 9 they shouldn't be in the criteria. 10 SEN. RUCHO: Members of the committee, 11 we've had discussion on this issue. We have an 12 amendment before us, submitted by Senator Floyd 13 McKissick dealing with communities of interest. 14 Any additional questions, comments? 15 (No response.) 16 SEN. RUCHO: Seeing none, Mr. Clerk, a 17 roll call, please? 18 CLERK: Lewis? 19 REP. LEWIS: No. 20 CLERK: Lewis, no. Jones? 21 REP. JONES: No. 22 CLERK: Jones, no. Brawley? 23 REP. BRAWLEY: No. 24 CLERK: Brawley, no. Cotham? 25 REP. COTHAM: Yes.</p>

<p>1 CLERK: Cotham, yes. Davis?</p> <p>2 REP. DAVIS: No.</p> <p>3 CLERK: Davis, no. Farmer-Butterfield?</p> <p>4 REP. FARMER-BUTTERFIELD: Yes.</p> <p>5 CLERK: Farmer-Butterfield, yes. Hager?</p> <p>6 REP. HAGER: No.</p> <p>7 CLERK: Hager, no. Hanes?</p> <p>8 REP. HANES: Yes.</p> <p>9 CLERK: Hanes, yes. Hardister?</p> <p>10 REP. HARDISTER: No.</p> <p>11 CLERK: Hardister, no. Hurley?</p> <p>12 REP. HURLEY: No.</p> <p>13 CLERK: Hurley, no. Jackson?</p> <p>14 REP. JACKSON: Yes.</p> <p>15 CLERK: Jackson, yes. Johnson?</p> <p>16 REP. JOHNSON: No.</p> <p>17 CLERK: Johnson, no. Jordan?</p> <p>18 REP. JORDAN: No.</p> <p>19 CLERK: Jordan, no. McGrady?</p> <p>20 REP. MCGRADY: No.</p> <p>21 CLERK: McGrady, no. Michaux?</p> <p>22 REP. MICHAUX: Aye.</p> <p>23 CLERK: Michaux, aye. Moore?</p> <p>24 REP. MOORE: Aye.</p> <p>25 CLERK: Moore, aye. Stam?</p>	<p>1 CLERK: McKissick, aye. Randleman?</p> <p>2 SEN. RANDLEMAN: No.</p> <p>3 CLERK: Randleman, no. Sanderson?</p> <p>4 SEN. SANDERSON: No.</p> <p>5 CLERK: Sanderson, no. Smith?</p> <p>6 SEN. SMITH: Aye.</p> <p>7 CLERK: Smith, aye. Smith-Ingram?</p> <p>8 SEN. SMITH-INGRAM: Aye.</p> <p>9 CLERK: Smith-Ingram, aye. Wells?</p> <p>10 SEN. WELLS: No.</p> <p>11 CLERK: Wells, no.</p> <p>12 SEN. RUCHO: Members of the committee, the result of the vote on Senator McKissick's amendment dealing with communities of interest, aye, 11; no, 22. The motion is not adopted.</p> <p>13 Members of the committee, any additional amendments? Any motions?</p> <p>14 REP. LEWIS: Mr. Chairman --</p> <p>15 SEN. RUCHO: Senator Hise? Oh, excuse me.</p> <p>16 REP. LEWIS: Mr. Chairman?</p> <p>17 SEN. RUCHO: Yes, sir?</p> <p>18 REP. LEWIS: I just wanted to thank the members for their indulgence this morning, and I'm proud of the 2016 contingent Congressional plan</p>
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<p>1 REP. STAM: No.</p> <p>2 CLERK: Stam, no. Stevens? Stevens?</p> <p>3 (No response.)</p> <p>4 CLERK: Ruch?</p> <p>5 SEN. RUCHO: No.</p> <p>6 CLERK: Ruch, no. Apodaca?</p> <p>7 SEN. APODACA: No.</p> <p>8 CLERK: Apodaca, no. Barefoot?</p> <p>9 SEN. BAREFOOT: No.</p> <p>10 CLERK: Barefoot, no. Blue?</p> <p>11 SEN. BLUE: Aye.</p> <p>12 CLERK: Blue, aye. Brown?</p> <p>13 SEN. BROWN: No.</p> <p>14 CLERK: Brown, no. Clark?</p> <p>15 SEN. CLARK: Aye.</p> <p>16 CLERK: Clark, aye. Harrington?</p> <p>17 SEN. HARRINGTON: No.</p> <p>18 CLERK: Harrington, no. Hise?</p> <p>19 SEN. HISE: No.</p> <p>20 CLERK: Hise, no. Jackson?</p> <p>21 SEN. JACKSON: No.</p> <p>22 CLERK: Jackson, no. Lee?</p> <p>23 SEN. LEE: No.</p> <p>24 CLERK: Lee, no. McKissick?</p> <p>25 SEN. MCKISSICK: Aye.</p>	<p>1 proposed criteria that we have adopted. I did want to say for the record that it's my intent that these be used in the drawing of the 2016 contingent Congressional plan in response to the lawsuit only. This is not an attempt to establish any other long-running criteria.</p> <p>2 SEN. RUCHO: Okay. Senator Hise, you have a motion?</p> <p>3 SEN. HISE: Mr. Chairman, I have a motion, a written motion.</p> <p>4 SEN. RUCHO: Okay. Has that been sent out to each member?</p> <p>5 SEN. HISE: Sergeant-at-Arms --</p> <p>6 SEN. RUCHO: Are the Sergeant-At Arms distributing it? Let's take about a two- or three-minute break so everybody can read this motion. (Pause.)</p> <p>7 Has everyone had an opportunity to review Senator Hise's motion? Representative Jackson?</p> <p>8 REP. JACKSON: Thank you, Mr. Chairman. One question would be the way this is worded --</p> <p>9 SEN. RUCHO: Well, let me do this: if it's dealing with what's in there, I'm going to give Senator Hise a chance to explain it. I was giving everybody a chance to review it.</p>

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1 All right, everybody has it. Senator 2 Hise, would you like to explain that motion, and 3 then we'll open it up for discussion? 4 SEN. HISE: Thank you, Mr. Chairman. 5 Basically what this does is it consolidates the 6 criteria we've already adopted and voted on into 7 one piece, and then directs the co-chairs to go 8 through the process of developing the maps on the 9 basis of those criteria, and provides the sum of 10 \$25,000 under the way we need to appropriate it, 11 with approval of the speaker, and those type of 12 things in the interim that are coming in, and then 13 allows the minority party to have access to the 14 same funds, and to draw maps under those criteria 15 or any other criteria that they would establish. 16 It also rescinds that provided that the Supreme 17 Court issues a stay. 18 SEN. RUCHO: Representative Lewis, 19 comment? 20 REP. LEWIS: Thank you, Mr. Chairman and 21 members. Just to be clear where I hope we're going 22 with this, as you know, we are still optimistic 23 that we'll receive a stay from the Supreme Court. 24 If we do not receive a stay, it would be the 25 chairs' intent to bring a map before this committee	1 REP. JACKSON: My question, I guess, was 2 directed to you as chairman, or either Senator 3 Hise. I was just wondering if we could change the 4 first sentence of Paragraph 3. The way you've got 5 it written is that the co-chairs, Lewis and Rucho, 6 can pick their mapmakers, but our entire caucus 7 would have to do it, the members of this committee, 8 which means we'd have to stay together and vote and 9 do things like that, and I would just ask that you 10 consider substituting that, and as Minority Leader 11 of the Senate, let Senator Blue make that choice 12 for us, and our entire caucus not be involved and 13 have to make that decision. 14 SEN. RUCHO: Senator Hise, do you have a 15 thought or a comment, or would you like to ponder 16 that one a little bit? 17 SEN. HISE: I don't see what's written as 18 requiring that type of vote or operation from the 19 minority caucus. This coming in would allow them 20 to decide if they want to allow their leader to 21 make that decision all on his own. I think that's 22 within the way it's written here, so I don't 23 necessarily see that issue in the way it's written, 24 but however the minority -- the members of the 25 minority part of this committee choose to select
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1 that it is the intent, after having consulted with 2 the Speaker and the President Pro Tem, that any 3 mapmaker engaged would be paid. 4 I think -- well, I don't think. What the 5 language is trying to say is that should a stay be 6 issued, the maps would never be released, not that 7 the person would not be paid for their time. We're 8 not trying to get somebody to draw maps on a 9 contingency fee. We're having maps drawn 10 contingent upon us not getting a stay. 11 I would be glad, if you are concerned 12 about the way the language is written, to take a 13 moment and have that defined, but I did want to 14 state for the record that the intent would be any 15 map drawer that you would engage or the minority 16 party would engage would be paid for their time. 17 SEN. RUCHO: Senator Blue? 18 SEN. BLUE: Andrew has some language 19 that'll fix it. 20 SEN. RUCHO: All right. Senator Hise? 21 SEN. HISE: I think they may be -- I just 22 wanted to say I think they may be working on some 23 clarification, but the intent as drafted is that 24 work done while it's authorized to be done would be 25 paid for, but once the stay came out or a ruling	1 MS. CHURCHILL: If there is a member of 2 the General Assembly that would like a map drawn, 3 we will do so at their direction; however, we will 4 need instruction from that member how to assign all 5 the geography of the state. 6 SEN. RUCHO: Does that answer your 7 question? 8 SEN. BLUE: You need instructions as to 9 how to sign -- assign what? 10 SEN. RUCHO: No, how to assign. 11 MS. CHURCHILL: How to assign the 12 geography of the state. 13 SEN. RUCHO: How you want the -- they can 14 draw the map. Just give them the direction on how 15 you want the -- the districts to be drawn. 16 SEN. BLUE: Okay. 17 SEN. RUCHO: Follow-up? 18 SEN. BLUE: Yeah, one follow-up. I'm 19 trying to keep up with the many iterations of the 20 case -- cases involving redistricting, and I think 21 that in that sense, even those instructions now are 22 considered confidential; is that correct? 23 MS. CHURCHILL: At this point in time, 24 any member of the General Assembly that makes a 25 drafting or information request to any legislative
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<p>1 me, because he maintains our databases, but there 2 have been no changes to the 2011 database. It 3 still has the 2010 Census data in it. It still has 4 the voter registration data in it. It still has 5 the election data in it. We still have the 6 capability of running exactly the same reports off 7 of that database.</p> <p>8 SEN. MCKISSICK: Last follow-up.</p> <p>9 SEN. RUCHO: Follow-up.</p> <p>10 SEN. MCKISSICK: Yeah. Erika, I mean -- 11 and I know this is not a fair question, perhaps, 12 but to what extent can we get reasonably quick 13 turnaround, considering the time frame that we're 14 in? I think our challenge is obviously we relied 15 upon consultants and experts before, Mr. David 16 Harris and Mr. Bill Gilkeson, but they are both 17 attorneys engaged in private practice, handling 18 clients, and to think that we can displace them 19 this quickly to get them reengaged on less than 24 20 hours notice is not a -- perhaps a reasonable 21 expectation.</p> <p>22 I'm trying to see if we want to get these 23 maps drawn, I think Senator Blue is on the right 24 track. We're going to need to rely upon in-house 25 resources, perhaps supplemented by consultants, but</p>	<p>1 SEN. RUCHO: I think what you're -- what 2 you reflect is what our concern is, that we have a 3 short -- short window, and we're all faced with 4 that same tight timeline, so -- but I'm sure staff, 5 as Ms. Churchill said, will do its best to help you 6 achieve your goal. Representative -- or Chairman 7 Lewis?</p> <p>8 REP. LEWIS: Thank you, Mr. Chairman. 9 Senator McKissick, just to be clear, sir, the 10 criteria that will be available to the mapmaker 11 that Senator Rucho and I employ will only be the 12 criteria that this -- that this committee has 13 adopted. The stat packs, as you well recall, 14 contain additional information. That information 15 obviously will be available at the end of the map 16 drawing process. Just to be clear, the map drawer 17 that Senator Rucho and I will contract with will 18 have only access to the criteria that this 19 committee has adopted.</p> <p>20 SEN. MCKISSICK: Follow-up.</p> <p>21 SEN. RUCHO: Yes, sir. Follow-up.</p> <p>22 SEN. MCKISSICK: Some of the critical 23 language in here under Bullet 3, if we go down 24 about five lines, it talks about using the adopted 25 criteria or any other criteria selected by the</p>
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	<p>1 are we going to be able to get quick turnaround?</p> <p>2 MS. CHURCHILL: Mr. Chair, if I might, we 3 will do our best. We do have a limited number of 4 people who have the capa- -- the knowledge to 5 actually use the mapping software, but amongst 6 ourselves, once we know what the requests are, we 7 will try to efficiently meet all of the needs.</p> <p>8 SEN. MCKISSICK: Thank you.</p> <p>9 SEN. RUCHO: All right. Senator 10 McKissick, any specifics? I mean, you were talking 11 about the stat packs and all that. Do you have any 12 specific criteria that you want included in the 13 stat pack?</p> <p>14 SEN. MCKISSICK: I mean, as long as we 15 have the same type of stat pack that we had 16 previously, the demographic data and the political 17 data that's available, I think we'll probably be 18 okay. I cannot think of any additional data that 19 we would need. As long as that's readily 20 accessible and we can get pretty quick 21 turnaround -- I am deeply concerned that since we 22 did not learn about the availability of the funds 23 for consultants before today that trying to engage 24 people who are deeply familiar with be challenging 25 at this late point in time.</p> <p>1 minority caucus, so if we want to use other 2 criteria that might be consistent with the ruling 3 in Harris versus McCrory -- and we would contend 4 that race can be used; it just cannot be the 5 predominant factor. I just want to know that that 6 data will be available if we need to use and rely 7 upon it in drafting constitutionally correct 8 districts, because that was not included in your 9 criteria, but this language in this particular 10 motion does give us as the minority caucus the 11 right to use other criteria.</p> <p>12 SEN. RUCHO: Hold on. I'll try to get 13 you an answer. (Pause.) Our understanding -- the 14 Chairs' understanding is that, you know, in drawing 15 maps, you can request any data you feel that needs 16 to be there to help you achieve what you believe is 17 a -- a map trying to resolve the issue dealing with 18 the court decision.</p> <p>19 SEN. MCKISSICK: Thank you.</p> <p>20 SEN. RUCHO: Okay. Senator Blue?</p> <p>21 SEN. BLUE: Yes. So that I can follow 22 that point up, it's my understanding, and correct 23 me, that the -- that the database will have 24 information about the 2012, 2014 elections in 25 addition to the data that was available at the time</p>

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<p>1 the original maps were drawn. That is, they will 2 be current in the information that they have. Is 3 that right?</p> <p>4 SEN. RUCHO: Let's ask Mr. Frye if he'll 5 be kind enough to explain what is in the database, 6 and of course, it's based on the 2010 Census, but 7 election results you're asking about.</p> <p>8 MR. FRYE: Yes. So -- so what I've got 9 worked up for this round is there's -- you know, of 10 course, you know, like we were talking about, all 11 of the old data is totally in place if it makes 12 sense to use that for whoever wants it, and for the 13 2016 database, I've got total population, voting 14 age population, because that's the only thing 15 that's not -- just election data, right, and that 16 is just election data. There's the 2008 general 17 election, basically all the Council of State 18 contests. There's the 2010 general election, US 19 Senate, the 2012 general election, you know, 20 basically governor and Council of State contests, 21 and -- and then the 2014 US Senate.</p> <p>22 SEN. RUCHO: Does that help you?</p> <p>23 SEN. BLUE: You said 2014 US Senate. 24 2014 Congressional data, elections data?</p> <p>25 SEN. RUCHO: Mr. Frye?</p>	<p>1 SEN. BLUE: I'm just trying to make sure 2 that whatever data is used by one is used and 3 available by all.</p> <p>4 SEN. RUCHO: Well, my --</p> <p>5 SEN. BLUE: If we're basing it on the 6 legislative computers and the legislative database.</p> <p>7 SEN. RUCHO: If I'm understanding it 8 correctly, any data that you need to have is going 9 to be available as long as you give some -- some 10 request for it. Am I correct?</p> <p>11 MR. FRYE: Well, certainly --</p> <p>12 SEN. BLUE: Aspirational.</p> <p>13 MR. FRYE: Yeah. I'm concerned about 14 timeline, you know, about preparing things, and 15 certain things are prepared and ready to go, and 16 yeah, those things can be --</p> <p>17 SEN. RUCHO: Ms. Churchill?</p> <p>18 MS. CHURCHILL: (Inaudible.)</p> <p>19 SEN. RUCHO: Talking about the data -- I 20 think that was Mr. Frye's question. Okay, that's 21 where we are. All right, still on -- did we get 22 the language?</p> <p>23 REP. STAM: Yeah, on a big-picture issue 24 here, while they're working out the language, I was 25 minority leader during the Pender County</p>
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<p style="text-align: center;">146</p> <p>1 do not have access to that information, or the 2 other committees cannot have access to that 3 information, because it's inconsistent with the 4 criteria that's established, so can we make sure 5 that once those are loaded, they are not available 6 if they are not part of the criteria for the co- 7 chairs' drawing?</p> <p>8 SEN. RUCHO: Mr. Frye?</p> <p>9 MR. FRYE: Yes. I believe for -- if the 10 co-chairs are working on a plan, they can work on 11 it and follow the criteria separately, and for any 12 reports they produce, would just use that 13 information.</p> <p>14 SEN. RUCHO: To follow up on what his 15 question is, is there a clear wall that we have to 16 actually request that information before it's 17 eligible -- eligible for us to use? Am I correct? 18 I mean, you're talking a firewall?</p> <p>19 SEN. HISE: Yeah, making sure that no 20 one -- once it's loaded in, anyone could draw -- 21 could pull it up. I want to make sure that you 22 don't have access to that information.</p> <p>23 MR. FRYE: Right. No, there is a 24 firewall.</p> <p>25 SEN. RUCHO: Okay.</p>	<p style="text-align: center;">148</p> <p>1 SEN. MICHAUX: Okay. 2 SEN. RUCHO: Okay. Are we close with the 3 language? 4 REP. LEWIS: Mr. Chairman? 5 SEN. RUCHO: Yes, sir, Representative? 6 REP. LEWIS: Could we deal with another 7 matter while this is being perfected? 8 SEN. RUCHO: Yes, sir. Let's just 9 displace this amendment if we can, Senator Hise, 10 while we're working on the language, and 11 Representative Lewis has another issue he'd like to 12 bring before -- before us. 13 REP. LEWIS: Mr. Chairman, what I'd like 14 to do is offer a motion that the committee directs 15 the ISD to establish a computer and to populate the 16 database of that computer with only the information 17 that is consistent with the criteria adopted by the 18 committee today, and to ensure that the firewalls 19 that Mr. Frye spoke of are in place during the 20 entire time that the map for this committee is 21 drawn. 22 SEN. RUCHO: We have a motion before us. 23 Do we have a second on that, David? 24 SEN. APODACA: Second. 25 SEN. RUCHO: Second, Senator Apodaca.</p>
<p style="text-align: center;">147</p> <p>1 MR. FRYE: It is not a central server 2 that would be --</p> <p>3 SEN. RUCHO: Are you okay, Senator Hise? 4 Ms. Churchill, you okay?</p> <p>5 REP. LEWIS: Mr. Chairman?</p> <p>6 SEN. RUCHO: Where am I?</p> <p>7 REP. LEWIS: Mr. Chairman?</p> <p>8 SEN. RUCHO: Oh, excuse me.</p> <p>9 REP. LEWIS: I think perhaps we can --</p> <p>10 can summarize this by saying that all people will 11 have access to all of the data. This committee has 12 directed the chairs not to use some of it, so the 13 computer on which this committee's map is drawn 14 will only contain the criteria that was adopted by 15 the committee, so to kind of get the gist of what 16 Senator Blue was trying to ask, he can have access 17 to more stuff than we can, not less.</p> <p>18 SEN. RUCHO: Okay. Representative --</p> <p>19 REP. MICHAUX: Yeah, I just wanted to be 20 clear on this. It says that you-all must do your 21 maps according to the criteria that this body has 22 passed. It also says that our group can use any -- 23 this criteria or any other criteria we deem 24 necessary. Is that correct?</p> <p>25 SEN. RUCHO: That's correct.</p>	<p style="text-align: center;">149</p> <p>1 Second. Representative Michaux?</p> <p>2 REP. MICHAUX: I was trying to get the 3 gist of what he -- what his motion is.</p> <p>4 REP. LEWIS: May I speak on my motion?</p> <p>5 SEN. RUCHO: Yes, sir.</p> <p>6 REP. LEWIS: Members, the motion would 7 direct ISD to establish a computer with the 8 Maptitude software that has only the criteria as 9 defined and authorized by this committee to use, 10 and it is on that computer that the chairs would 11 work, along with any consultant they would hire, to 12 produce a map to return back to this committee for 13 review.</p> <p>14 What it's doing in essence is limiting 15 the chairs to only the criteria that this committee 16 has adopted, while making sure that it does not 17 limit the minority party to have access to whatever 18 they deem important to be able to fully participate 19 in this process.</p> <p>20 SEN. RUCHO: Follow-up?</p> <p>21 SEN. MICHAUX: Follow-up. What about the 22 firewall separating the two on that?</p> <p>23 REP. LEWIS: Thank you for that -- that 24 question, Representative Michaux. I was trying to 25 use the same language that Mr. Frye. What I'm --</p>

1 to be absolutely clear, the only data the map 2 drawers on behalf of this committee can have is the 3 data that the criteria adopted by this committee 4 allows. There -- the firewall means that you won't 5 be able -- the map drawer won't have access to flip 6 a switch and say, "Well, I really do want to see 7 what the 2008 presidential race was." That will 8 not be loaded on the computer that he has access 9 to. 10 SEN. RUCHO: Okay. Senator McKissick? 11 SEN. MCKISSICK: Representative Lewis, 12 just to get some clarification here, if we as the 13 minority caucus want to look at the 2008 race, or 14 we want to look at other variables other than those 15 that were approved today, in the past, we had our 16 own computer available that also had Maptitude, or 17 whatever the appropriate program was at that time, 18 which we could utilize for crafting maps that 19 were -- met our criteria, so I'm just wanting to 20 determine if we will have a separate computer 21 available to us that we can use that will give us 22 the additional data that we might seek to use in 23 preparing maps. 24 REP. LEWIS: Senator -- 25 SEN. RUCHO: Representative Lewis?	150	1 SEN. RUCHO: We'll get a copy of that. 2 All right. We have a motion before us from 3 Representative Lewis. It's been explained; it's 4 been debated. Any additional thoughts or questions 5 on that before we move to adopt his motion? 6 (No response.) 7 SEN. RUCHO: Seeing none, Mr. Clerk, if 8 you'd be kind enough to call roll? 9 CLERK: Lewis? 10 REP. LEWIS: Aye. 11 CLERK: Lewis, aye. Jones? 12 REP. JONES: Aye. 13 CLERK: Jones, aye. Brawley? 14 REP. BRAWLEY: Aye. 15 CLERK: Brawley, aye. Cotham? 16 REP. COTHAM: No. 17 CLERK: Cotham, no. Davis? 18 REP. DAVIS: Aye. 19 CLERK: Davis, aye. Farmer-Butterfield? 20 (No response.) 21 CLERK: Hager? 22 REP. HAGER: Aye. 23 CLERK: Hager, aye. Hanes? 24 REP. HANES: No. 25 CLERK: No? Hanes, no. Hardister?	152
1 REP. LEWIS: Thank you, Mr. Chairman. 2 Senator McKissick and Mr. Chairman, if my motion is 3 adopted, I will offer the identical motion for the 4 minority party, except that they are able to 5 populate the data with whatever they want to 6 populate it with. 7 SEN. MCKISSICK: With that being said, I 8 could support this, but I want to make sure that 9 the minority party does have their own computer 10 populated with their own data, separate and apart 11 from the fields or subcategories which have been 12 identified as appropriate criteria today. 13 REP. LEWIS: Yes, sir, we're on the exact 14 same page on that point. 15 SEN. MCKISSICK: Thank you. 16 SEN. RUCHO: Okay. You -- any additional 17 questions on -- 18 REP. MICHAUX: Yeah. Can we get that in 19 writing? 20 (Laughter.) 21 REP. LEWIS: Mr. Chairman? 22 SEN. RUCHO: Yes, sir? 23 REP. LEWIS: We do have a court reporter, 24 so perhaps we could forward that to Representative 25 Michaux, and he could read it.	151	1 REP. HARDISTER: Aye. 2 CLERK: Hardister, aye. Hurley? 3 REP. HURLEY: Aye. 4 CLERK: Hurley, aye. Jackson? 5 REP. JACKSON: No. 6 CLERK: Jackson, no. Johnson? 7 REP. JOHNSON: Aye. 8 CLERK: Johnson, aye. Jordan? 9 REP. JORDAN: Aye. 10 CLERK: Jordan, aye. McGrady? 11 REP. MCGRADY: Aye. 12 CLERK: McGrady, aye. Michaux? 13 REP. MICHAUX: No. 14 CLERK: Michaux, no. Moore? 15 REP. MOORE: Nay. 16 CLERK: Moore, nay. Stam? 17 REP. STAM: Aye. 18 CLERK: Stam, aye. Stevens? 19 (No response.) 20 CLERK: Rucho? 21 SEN. RUCHO: Aye. 22 CLERK: Rucho, aye. Apodaca? 23 SEN. APODACA: Aye. 24 CLERK: Apodaca, aye. Barefoot? 25 SEN. BAREFOOT: Aye.	153

1 CLERK: Barefoot, aye. Blue? 2 SEN. BLUE: No. 3 CLERK: Blue, no. Brown? 4 SEN. BROWN: Aye. 5 CLERK: Brown, aye. Clark? 6 SEN. CLARK: No. 7 CLERK: Clark, no. Harrington? 8 SEN. HARRINGTON: Aye. 9 CLERK: Harrington, aye. Hise? 10 SEN. HISE: Aye. 11 CLERK: Hise, aye. Jackson? 12 SEN. JACKSON: Aye. 13 CLERK: Jackson, aye. Lee? 14 SEN. LEE: Aye. 15 CLERK: Lee, aye. McKissick? 16 SEN. MCKISSICK: No. 17 CLERK: McKissick, no. Randleman? 18 SEN. RANDLEMAN: Aye. 19 CLERK: Randleman, aye. Sanderson? 20 SEN. SANDERSON: Aye. 21 CLERK: Sanderson, aye. Smith? 22 SEN. SMITH: No. 23 CLERK: Smith, no. Smith-Ingram? 24 SEN. SMITH-INGRAM: Nay. 25 CLERK: Smith-Ingram, nay. Wells?	154	1 Representative Lewis, seconded by Senator 2 McKissick, was that -- for the minority party to 3 have access to the computer and have all the 4 information they deem necessary for them to 5 participate in trying to see what was requested as 6 a remedy for the three-judge panel's decision. Any 7 questions or comments? 8 REP. MICHAUX: Yeah. I want to know what 9 the last part of that motion was that he made. It 10 was sort of sub rosa. 11 SEN. RUCHO: Is that a question to 12 Representative Lewis? 13 REP. MICHAUX: Representative Lewis. 14 REP. LEWIS: Representative Michaux, what 15 I said was that the minority members -- the members 16 of the minority party on this committee may caucus 17 and elect a member or members to direct the drawing 18 of these maps on their behalf, and if they're 19 unable to do so, that the responsibility would be 20 vested in Senator Blue. 21 SEN. RUCHO: Do you have a follow-up 22 question? 23 REP. MICHAUX: We -- what I -- you are 24 vesting -- you're telling us what to do? Is that 25 what I'm hearing?	156
1 SEN. WELLS: Aye. 2 CLERK: Wells, aye. 3 SEN. RUCHO: All right, members of the 4 committee, a motion by Representative Lewis 5 requiring and asking that the computer that will be 6 used by the majority party will only contain the 7 criteria that's been established and voted upon 8 today, and that vote was aye, 21, no, 11, so that 9 passed. 10 REP. LEWIS: Mr. Chairman? 11 SEN. RUCHO: Representative Lewis? 12 REP. LEWIS: For motion. 13 SEN. RUCHO: Motion. 14 REP. LEWIS: Mr. Chairman, I move that 15 the minority party be given access to a computer 16 and whatever information they deem necessary to 17 populate that computer in order to fully 18 participate in this pro -- in this process. 19 Further, I move that the minority party members of 20 this committee may caucus and designate that 21 responsibility to one or more members, and if they 22 are not able to do that, that the responsibility 23 would fall to Senator Blue. 24 SEN. MCKISSICK: I'll second that. 25 SEN. RUCHO: All right. The motion by	155	1 REP. LEWIS: To repeat for the third 2 time, Representative Michaux, the minority party 3 members of this committee would caucus and 4 designate members or members to act on their 5 behalf, and if they are unable to do so, that that 6 responsibility would fall to Senator Blue. 7 REP. MICHAUX: Mr. Chairman? 8 SEN. RUCHO: Yes, sir? 9 REP. MICHAUX: Why don't you -- 10 SEN. RUCHO: Follow-up? 11 REP. MICHAUX: Yes. Why don't you let us 12 make that decision as to who it should fall -- fall 13 to? 14 REP. LEWIS: Mr. Chairman? 15 SEN. RUCHO: Yes, sir? 16 REP. LEWIS: Could we have maybe staff 17 clarify what it means that the minority party can 18 caucus and designate members or members, if that's 19 not allowing them to make a decision? Could 20 somebody explain exactly what language I'm not 21 communicating? 22 SEN. RUCHO: Okay. Senator Apodaca, you 23 had a comment? 24 SEN. APODACA: Mr. Chairman, inquiry of 25 the Chair.	157

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<p>1 SEN. RUCHO: Yes, sir?</p> <p>2 SEN. APODACA: I'm somewhat confused. I 3 thought Representative Jackson asked this question 4 about how they could nominate somebody. I thought 5 this is what we were trying to fix.</p> <p>6 SEN. RUCHO: All right. Then you're the 7 one that's going to explain to -- to Senator -- 8 Representative Michaux. Okay? All right. A 9 motion is before us. It's been seconded. Any 10 additional questions or comments on Representative 11 Lewis' motion?</p> <p>12 (No response.)</p> <p>13 SEN. RUCHO: Seeing none --</p> <p>14 CLERK: Lewis?</p> <p>15 SEN. RUCHO: -- Mr. Clerk, roll call, 16 please?</p> <p>17 CLERK: Lewis?</p> <p>18 REP. LEWIS: Aye.</p> <p>19 CLERK: Lewis, aye. Jones?</p> <p>20 REP. JONES: Aye.</p> <p>21 CLERK: Jones, aye. Brawley?</p> <p>22 REP. BRAWLEY: Aye.</p> <p>23 CLERK: Brawley, aye. Cotham?</p> <p>24 REP. COTHAM: Aye.</p> <p>25 CLERK: Cotham, aye. Davis?</p>	<p>1 CLERK: Moore, aye. Stam?</p> <p>2 REP. STAM: Aye.</p> <p>3 CLERK: Stam, aye. Stevens?</p> <p>4 (No response.)</p> <p>5 CLERK: Ruch?</p> <p>6 SEN. RUCHO: Aye.</p> <p>7 CLERK: Ruch, aye. Apodaca?</p> <p>8 SEN. APODACA: Aye.</p> <p>9 CLERK: Apodaca, aye. Barefoot?</p> <p>10 SEN. BAREFOOT: Aye.</p> <p>11 CLERK: Barefoot, aye. Blue?</p> <p>12 SEN. BLUE: Aye.</p> <p>13 CLERK: Blue, aye. Brown?</p> <p>14 SEN. BROWN: Aye.</p> <p>15 CLERK: Brown, aye. Clark?</p> <p>16 SEN. CLARK: Aye.</p> <p>17 CLERK: Clark, aye. Harrington?</p> <p>18 SEN. HARRINGTON: Aye.</p> <p>19 CLERK: Harrington, aye. Hise?</p> <p>20 SEN. HISE: Aye.</p> <p>21 CLERK: Hise, aye. Jackson?</p> <p>22 SEN. JACKSON: Aye.</p> <p>23 CLERK: Jackson, aye. Lee?</p> <p>24 SEN. LEE: Aye.</p> <p>25 CLERK: Lee, aye. McKissick?</p>
<p>159</p> <p>1 REP. DAVIS: Aye.</p> <p>2 CLERK: Davis, aye. Farmer-Butterfield?</p> <p>3 REP. FARMER-BUTTERFIELD: Aye.</p> <p>4 CLERK: Aye? Farmer-Butterfield, aye.</p> <p>5 Hager?</p> <p>6 SEN. RUCHO: Please speak loudly, folks.</p> <p>7 REP. HAGER: Aye.</p> <p>8 CLERK: Hager, aye. Hanes?</p> <p>9 REP. HANES: Aye</p> <p>10 CLERK: Hanes, aye. Hardister?</p> <p>11 REP. HARDISTER: Aye.</p> <p>12 CLERK: Hardister, aye. Hurley?</p> <p>13 REP. HURLEY: Aye.</p> <p>14 CLERK: Hurley, aye. Jackson?</p> <p>15 REP. JACKSON: Aye.</p> <p>16 CLERK: Jackson, aye. Johnson?</p> <p>17 REP. JOHNSON: Aye.</p> <p>18 CLERK: Johnson, aye. Jordan?</p> <p>19 REP. JORDAN: Aye.</p> <p>20 CLERK: Jordan, aye. McGrady?</p> <p>21 REP. MCGRADY: Aye.</p> <p>22 CLERK: McGrady, aye. Michaux?</p> <p>23 REP. MICHAUX: No.</p> <p>24 CLERK: Michaux, no. Moore?</p> <p>25 REP. MOORE: Aye.</p>	<p>159</p> <p>1 SEN. MCKISSICK: Aye.</p> <p>2 CLERK: McKissick, aye. Randleman?</p> <p>3 SEN. RANDLEMAN: Aye.</p> <p>4 CLERK: Randleman, aye. Sanderson?</p> <p>5 SEN. SANDERSON: Aye.</p> <p>6 CLERK: Sanderson, aye. Smith?</p> <p>7 SEN. SMITH: Aye.</p> <p>8 CLERK: Smith, aye. Smith-Ingram?</p> <p>9 SEN. SMITH-INGRAM: Aye.</p> <p>10 CLERK: Smith-Ingram, aye. Wells?</p> <p>11 SEN. WELLS: Aye.</p> <p>12 CLERK: Wells, aye.</p> <p>13 SEN. RUCHO: Members of the committee, 14 after a roll-call vote, 32 aye and 1 no, so 15 therefore, that has been settled. Senator Hise, do 16 we have language?</p> <p>17 SEN. HISE: I think we have two 18 amendments.</p> <p>19 SEN. RUCHO: Two amendments?</p> <p>20 SEN. HISE: Yeah.</p> <p>21 SEN. RUCHO: All right. Are you going to 22 present it, or staff?</p> <p>23 SEN. HISE: I can present them. I think 24 staff's going to read them. The first one is to 25 clarify the payments made for work performed.</p>

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1 SEN. RUCHO: Let's pay attention, here. 2 I know we're moving forward. Go ahead, please. 3 SEN. HISE: The first is to add some 4 clarification for the -- to allow payments for work 5 performed prior to the stay. 6 SEN. RUCHO: All right. First -- the 7 first amendment, Ms. Churchill, would you explain 8 what that amendment says and what it does? 9 MS. CHURCHILL: Yes, Mr. Chair. The 10 amendment would be to the end, to the last sentence 11 of Paragraph 2 and Paragraph 3 of Senator Hise's 12 motion. It would remove the period at the end of 13 that sentence, inset a semicolon, and all of the 14 following at the end of each sentence: "Provided, 15 however, this authorization shall permit 16 compensation to be paid for any work performed 17 prior to the issuance of such stay." 18 SEN. RUCHO: Members of the committee, 19 you have that before you. Is there any questions 20 on that first amendment that has been put forward 21 by Senator Hise on trying to provide some clarity 22 in what was brought up by Senator Blue? 23 Representative Jackson? 24 REP. JACKSON: Thank you, Mr. Chairman. 25 Would that -- that would amendment allow payment	1 CLERK: Hager, yes. Hanes? 2 REP. HANES: Yes. 3 CLERK: Hanes, yes. Hardister? 4 REP. HARDISTER: Aye. 5 CLERK: Hardister, aye. Hurley? 6 REP. HURLEY: Aye. 7 CLERK: Hurley, aye. Jackson? 8 REP. JACKSON: Yes. 9 CLERK: Jackson, yes. Johnson? 10 REP. JOHNSON: Aye. 11 CLERK: Johnson, aye. Jordan? 12 REP. JORDAN: Aye. 13 CLERK: Jordan, aye. McGrady? 14 REP. MCGRADY: Aye. 15 CLERK: McGrady, aye. Michaux? 16 REP. MICHAUX: Aye. 17 CLERK: Michaux, aye. Moore? 18 REP. MOORE: Aye. 19 CLERK: Moore, aye. Stam? 20 REP. STAM: Aye. 21 CLERK: Stam, aye. Stevens? 22 (No response.) 23 CLERK: Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Rucho, aye. Apodaca?	
1 for services provided prior to the approval of 2 this? 3 SEN. RUCHO: No, sir, I don't believe so. 4 REP. JACKSON: Thank you. 5 SEN. RUCHO: Yeah. Questions? Any 6 additional? 7 (No response.) 8 SEN. RUCHO: All right, we have an 9 amendment before us that was read by staff, and we 10 will ask the Clerk to have a roll-call vote on 11 that, please. 12 CLERK: Lewis? 13 REP. LEWIS: Aye. 14 CLERK: Lewis, aye. Jones? 15 REP. JONES: Aye. 16 CLERK: Jones, aye. Brawley? 17 REP. BRAWLEY: Aye. 18 CLERK: Brawley, aye. Cotham? 19 REP. COTHAM: Aye. 20 CLERK: Cotham, aye. Davis? 21 REP. DAVIS: Yes. 22 CLERK: Davis, yes. Farmer-Butterfield? 23 REP. FARMER-BUTTERFIELD: Yes. 24 CLERK: Farmer-Butterfield, yes. Hager? 25 REP. HAGER: Yes.	163	165 SEN. APODACA: Aye. CLERK: Apodaca, aye. Barefoot? SEN. BAREFOOT: Aye. CLERK: Barefoot, aye. Blue? SEN. BLUE: Aye. CLERK: Blue, aye. Brown? SEN. BROWN: Aye. CLERK: Brown, aye. Clark? SEN. CLARK: Aye. CLERK: Clark, aye. Harrington? SEN. HARRINGTON: Aye. CLERK: Harrington, aye. Hise? SEN. HISE: Aye. CLERK: Hise, aye. Jackson? SEN. JACKSON: Aye. CLERK: Jackson, aye. Lee? SEN. LEE: Aye. CLERK: Lee, aye. McKissick? SEN. MCKISSICK: Aye. CLERK: McKissick, aye. Randleman? SEN. RANDLEMAN: Aye. CLERK: Randleman, aye. Sanderson? SEN. SANDERSON: Aye. CLERK: Sanderson, aye. Smith? SEN. SMITH: Aye.

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<p>1 CLERK: Smith, aye. Smith-Ingram? 2 SEN. SMITH-INGRAM: Aye. 3 CLERK: Smith-Ingram, aye. Wells? 4 SEN. WELLS: Aye. 5 CLERK: Wells, aye. 6 SEN. RUCHO: Members of the committee, 7 we -- okay. Members of the committee, Amendment 1, 8 which was read by staff, was agreed upon 9 unanimously, 33 to zero. 10 Senator Hise, Amendment Number ?? 11 SEN. HISE: Thank you, Mr. Chairman. 12 This was with some further consultation with 13 Senator Blue, and clarifies for a legislative 14 confidentiality amendment when that applies, and 15 applies to once it's submitted to this committee, 16 and she has specific language they can read. 17 SEN. RUCHO: Ms. Churchill, can you read 18 the clarifying language there, please? 19 MS. CHURCHILL: Yes, sir. In Paragraph 20 2, this new sentence would be inserted at the -- 21 following the first sentence. "The co-chairs shall 22 control legislative confidentiality of any drafting 23 requests or maps produced from this authority 24 unless and until presented to the committee in the 25 co-chairs' discretion."</p>	<p>1 CLERK: Farmer-Butterfield, yes. Hager? 2 REP. HAGER: Yes. 3 CLERK: Hager, yes. Hanes? 4 REP. HANES: Yes. 5 CLERK: Hanes, yes. Hardister? 6 REP. HARDISTER: Aye. 7 CLERK: Hardister, aye. Hurley? 8 REP. HURLEY: Aye. 9 CLERK: Hurley, aye. Jackson? 10 REP. JACKSON: Yes. 11 CLERK: Jackson, yes. Johnson? 12 REP. JOHNSON: Aye. 13 CLERK: Johnson, aye. Jordan? 14 REP. JORDAN: Aye. 15 CLERK: Jordan, aye. McGrady? 16 REP. MCGRADY: Aye. 17 CLERK: McGrady, aye. Michaux? 18 REP. MICHAUX: Yes. 19 CLERK: Michaux, yes. Moore? 20 REP. MOORE: Aye. 21 CLERK: Moore, aye. Stam? 22 REP. STAM: Aye. 23 CLERK: Stam, aye. Rucho? 24 SEN. RUCHO: Aye. 25 CLERK: Rucho, aye. Apodaca?</p>
<p>1 For Paragraph 3, this sentence would be 2 inserted after -- following the first sentence: 3 "The minority caucus' designee, Senator Blue, shall 4 control legislative confidentiality of any drafting 5 requests or maps produced from this authority 6 unless and until presented to the committee in 7 Senator Blue's discretion." 8 SEN. RUCHO: Members of the committee, 9 you have that before you. Any questions or 10 comments? 11 (No response.) 12 SEN. RUCHO: Seeing -- seeing none, Mr. 13 Clerk, would you do the roll call? 14 CLERK: Lewis? 15 REP. LEWIS: Aye. 16 CLERK: Lewis, aye. Jones? 17 REP. JONES: Aye. 18 CLERK: Jones, aye. Brawley? 19 REP. BRAWLEY: Aye. 20 CLERK: Brawley, aye. Cotham? 21 REP. COTHAM: Aye. 22 CLERK: Cotham, aye. Davis? 23 REP. DAVIS: Yes. 24 CLERK: Davis, yes. Farmer-Butterfield? 25 REP. FARMER-BUTTERFIELD: Yes.</p>	<p>1 SEN. APODACA: Aye. 2 CLERK: Apodaca, aye. Barefoot? 3 SEN. BAREFOOT: Aye. 4 CLERK: Barefoot, aye. Blue? 5 SEN. BLUE: Aye. 6 CLERK: Blue, aye. Brown? 7 SEN. BROWN: Aye. 8 CLERK: Brown, aye. Clark? 9 SEN. CLARK: Aye. 10 CLERK: Clark, aye. Harrington? 11 SEN. HARRINGTON: Aye. 12 CLERK: Harrington, aye. Hise? 13 SEN. HISE: Aye. 14 CLERK: Hise, aye. Jackson? 15 SEN. JACKSON: Aye. 16 CLERK: Jackson, aye. Lee? 17 SEN. LEE: Aye. 18 CLERK: Lee, aye. McKissick? 19 SEN. MCKISSICK: Aye. 20 CLERK: McKissick, aye. Randleman? 21 SEN. RANDLEMAN: Aye. 22 CLERK: Randleman, aye. Sanderson? 23 SEN. SANDERSON: Aye. 24 CLERK: Sanderson, aye. Smith? 25 SEN. SMITH: Aye.</p>

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1 CLERK: Smith, aye. Smith-Ingram? 2 SEN. SMITH-INGRAM: Aye. 3 CLERK: Smith-Ingram, aye. Wells? 4 SEN. WELLS: Aye. 5 CLERK: Wells, aye. 6 SEN. RUCHO: Members of the committee, 7 the roll-call vote was 33 aye, zero nay. 8 Now, what you have before you is a motion 9 set forth by Senator Hise which has been amended, 10 and now it's before you for any further discussion 11 or questions, and if there are none, then we will 12 take a vote to adopt Senator Hise's motion. 13 Thoughts, questions? 14 (No response.) 15 SEN. RUCHO: Seeing none, Mr. Clerk, a 16 vote, please? 17 CLERK: Lewis? 18 REP. LEWIS: Aye. 19 CLERK: Lewis, aye. Jones? 20 REP. JONES: Aye. 21 CLERK: Jones, aye. Brawley? 22 REP. BRAWLEY: Aye. 23 CLERK: Brawley, aye. Cotham? 24 REP. COTHAM: No. 25 CLERK: Cotham, no. Davis?	1 CLERK: Stam, aye. Rucho? 2 SEN. RUCHO: Aye. 3 CLERK: Rucho, aye. Apodaca? 4 SEN. APODACA: Aye. 5 CLERK: Apodaca, aye. Barefoot? 6 SEN. BAREFOOT: Aye. 7 CLERK: Barefoot, aye. Blue? 8 SEN. BLUE: No. 9 CLERK: Blue, no. Brown? 10 SEN. BROWN: Aye. 11 CLERK: Brown, aye. Clark? 12 SEN. CLARK: No 13 CLERK: Clark, no. Harrington? 14 SEN. HARRINGTON: Aye. 15 CLERK: Harrington, aye. Hise? 16 SEN. HISE: Aye. 17 CLERK: Hise, aye. Jackson? 18 SEN. JACKSON: Aye. 19 CLERK: Jackson, aye. Lee? 20 SEN. LEE: Aye. 21 CLERK: Lee, aye. McKissick? 22 SEN. MCKISSICK: No. 23 CLERK: McKissick, no. Randleman? 24 SEN. RANDLEMAN: Aye. 25 CLERK: Randleman, aye. Sanderson?
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1 REP. DAVIS: Yes. 2 CLERK: Davis, yes. Farmer-Butterfield? 3 REP. FARMER-BUTTERFIELD: No. 4 CLERK: Farmer-Butterfield, no. Hager? 5 REP. HAGER: Aye. 6 CLERK: Hager, aye. Hanes? 7 REP. HANES: No. 8 CLERK: Hanes, no. Hardister? 9 REP. HARDISTER: Aye. 10 CLERK: Hardister, aye. Hurley? 11 REP. HURLEY: Aye. 12 CLERK: Hurley, aye. Jackson? 13 REP. JACKSON: No. 14 CLERK: Jackson, no. Johnson? 15 REP. JOHNSON: Aye. 16 CLERK: Johnson, aye. Jordan? 17 REP. JORDAN: Aye. 18 CLERK: Jordan, aye. McGrady? 19 REP. MCGRADY: Aye. 20 CLERK: McGrady, aye. Michaux? 21 REP. MICHAUX: No. 22 CLERK: Michaux, no. Moore? 23 REP. MOORE: Nay. 24 CLERK: Moore, nay. Stam? 25 REP. STAM: Aye.	1 SEN. SANDERSON: Aye. 2 CLERK: Sanderson, aye. Smith? 3 SEN. SMITH: No. 4 CLERK: Smith, no. Smith-Ingram? 5 SEN. SMITH-INGRAM: No. 6 CLERK: Smith-Ingram, no. Wells? 7 SEN. WELLS: Aye. 8 CLERK: Wells, aye. 9 SEN. RUCHO: Okay, members of the 10 committee, when that motion was up for adoption as 11 amended, we have 22 aye and 11 no. I believe that 12 we have concluded our business for today. 13 SEN. BLUE: Just a request, Mr. Chair. 14 SEN. RUCHO: Senator Blue? 15 SEN. BLUE: As I prepare to do this, 16 could you have the Clerk make available to me his 17 roll-call votes on these items, since it's all 18 official now? 19 SEN. RUCHO: That can be done. 20 SEN. BLUE: Thank you. 21 SEN. RUCHO: Okay. Senator Blue requests 22 that he gets a copy of the roll-call votes. Thank 23 you. 24 Before we finish up, let me just make it 25 clear. Now that we have criteria established, and

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<p>1 understanding that there is access to computers and 2 the necessary resources to accomplish that, I'm 3 sure that the map drawers will do their job, come 4 forward with a map. We will possibly have a 5 meeting tomorrow. The chairs will allow you 6 notice. We're going to need to give the map 7 writers -- or drawers a chance to do their work. 8 We are also waiting for a decision by the Supreme 9 Court on the motion for stay to allow that election 10 to take place in an orderly manner, without any 11 voter dysfunction, so we will let you know at what 12 time tomorrow, or whether we will be meeting 13 tomorrow.</p> <p>14 REP. STAM: Mr. Chair? 15 SEN. RUCHO: Sir? 16 REP. STAM: What is the earliest we would 17 be -- I mean, can we block out the morning for real 18 work, other work? 19 SEN. RUCHO: I think to give sufficient 20 time for map drawers to work, I think we would be 21 looking at -- the earliest would be 1:00. Okay? 22 Members of the committee, any questions on what was 23 discussed? 24 (No response.) 25 SEN. RUCHO: You all know what we've got,</p>	<p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE I, Carol M. Smith, a duly commissioned Notary Public in and for the State of North Carolina, do hereby certify that on February 16, 2016, this proceeding was held before me, this proceeding being reported by me verbatim and then reduced to typewritten form under my direct supervision; that the foregoing is a true and correct transcript of said proceedings to the best of my ability and understanding; that I am not related to any of the parties to this action; that I am not interested in the outcome of this case; that I am not of counsel nor in the employ of any of the parties to this action. IN WITNESS WHEREOF, I have hereto set my hand, this the 29th day of February, 2016.</p> <hr/> <p>Notary Public</p> <p>Carol M. Smith Notary Number 19943320153</p>
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